

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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| UNITED STATES OF AMERICA, | : | 19-CR-00576(BMC) |
| | : | |
| | : | |
| -against- | : | United States Courthouse |
| | : | Brooklyn, New York |
| | : | |
| | : | January 17*, 2023 |
| GENARO GARCIA LUNA, | : | 9:00 a.m. |
| | : | |
| Defendant. | : | |

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TRANSCRIPT OF CRIMINAL CAUSE FOR JURY SELECTION
BEFORE THE HONORABLE HONORABLE PEGGY KUO
UNITED STATES MAGISTRATE JUDGE

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Jury Selection

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1 (In open court.)

2 THE COURTROOM DEPUTY: This is criminal cause for
3 jury selection. Docket No. 19-CR-576, United States versus
4 Genaro Garcia Luna et al. Magistrate Judge Peggy Kuo
5 presiding.

6 As a reminder, persons granted remote access to
7 proceedings are reminded of the general prohibition against
8 photographing, recording, and rebroadcasting of court
9 proceedings. Violation of these prohibitions may result in
10 sanctions, including removal of court issued media
11 credentials, restricted entry to future hearings, denial of
12 entry to future hearings, or any other sanctions deemed
13 necessary by the Court.

14 Counsel, starting with the government, please state
15 your appearances for the record.

16 MS. KOMATIREDDY: Good morning, Your Honor.

17 Saritha Komatireddy for the United States. I'm
18 joined by my colleagues, AUSAs Erin Reid, Philip Pilmar and
19 Marieto Diouf, as well as Special Agent James Cain, who is
20 here representing both of our agencies on this case, the Drug
21 Enforcement Administration and Homeland Security
22 Investigations.

23 (Pause in proceedings.)

24 THE COURTROOM DEPUTY: We're back on the record.
25 Will counsel for defense please state their appearances for

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1 the record.

2 MR. DE CASTRO: For Mr. Garcia Luna,
3 Cesar de Castro, Valerie Gotlib, Florian Miedel,
4 Shannon McManus, and joining us at counsel's table are
5 paralegal Austin Dean and Kimberly Tavares.

6 Good morning, Your Honor.

7 THE COURT: Good morning, everyone. Sorry for the
8 technical delay.

9 There are two Spanish language interpreters. Do you
10 need to be sworn in, or identify yourselves on the record,
11 please.

12 THE INTERPRETER: Diana Donatti.

13 THE INTERPRETER: And Pablo Donatti, Your Honor.

14 (Whereupon, DIANA DONATTI was sworn as interpreter.)

15 (Whereupon, PABLO DONATTI was sworn as interpreter.)

16 THE COURT: Thank you.

17 And for the interpreters, please let us know if you
18 have any technical difficulties because I know you're
19 translating through electronic means.

20 Let me remind everyone that this courtroom, even
21 though it does not have spectators in the gallery, there's a
22 live video feed to another room where the audience members can
23 see and hear the proceedings.

24 And I want to go over some of the mechanics of what
25 we're doing. The 30 jurors who have been summoned to come in

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1 today, who have already filled out questionnaires, will be
2 across the hall in another courtroom. My chambers staff will
3 bring them back and forth one by one. So we'll go in order.
4 You've got the list of people. I'm not sure everybody has
5 shown up. So in a minute, I will go through exactly who is
6 here today and we'll just go down the line. Each person will
7 come in individually, they'll come to that podium and they
8 will answer questions there.

9 I wanted to let you know that I will start with the
10 answer to question 69, which is the hardship question, because
11 if there's an issue there, then they can be excused without
12 the need for further questioning.

13 As far as the questioning goes, I went through each
14 of the questionnaires to see what answers were given. I can
15 surmise, in most cases, which answers need some follow-up, but
16 there may be instances where I'm not entirely sure what the
17 parties want to address with that individual juror, so I may
18 start by asking a question.

19 If I miss something or you want to follow-up, I
20 would ask you to just alert me to the question number rather
21 than the substance, in the first instance, or if it's a
22 follow-up, obviously, if it's a substance, just say could we
23 ask the juror about that question. I would like it do the
24 questioning myself rather than have counsel doing the
25 questioning, but I may invite you to ask follow-up questions

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1 if I think that would be helpful.

2 There were a couple of questionnaires where people
3 voiced concern or expressed concern about crimes committed
4 outside the United States being prosecuted here. I wasn't
5 sure how the parties wanted me to address that because some
6 people said things like, well, if the crime occurred outside
7 the United States, why are we prosecuting it. And I don't
8 want to get too much into the substance of the allegations
9 here, but maybe I'll start with the government.

10 How would you like me to address the juror's concern
11 if that is the question?

12 MS. KOMATIREDDY: Your Honor, in those situations,
13 our primary concern that the juror is able to follow the
14 instructions of the Court, and we expect, also, that it is
15 appropriate to instruct the juror that that case is
16 appropriately brought in the United States as far as
17 jurisdiction is concerned.

18 My suggestion would be to instruct the juror of
19 that, and then ask if they can accept that as a matter of law
20 and put aside any concern they have about crime -- the ability
21 of the U.S. Government to prosecute conduct that occurs
22 outside the United States.

23 THE COURT: Okay.

24 Mr. DeCastro.

25 MR. DE CASTRO: Judge, my thought -- sorry -- my

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1 thought was maybe just start with asking them to follow-up and
2 can they explain their answer. Because normally, I know the
3 parties are concerned about tainting the rest of the jury
4 pool, but there's no one else here. So, I assume, let them
5 talk and then -- and then maybe do what the government said,
6 which is well, if I instruct you that, can you follow that
7 instruction.

8 THE COURT: Okay. Well, I'll ask them -- because in
9 some cases, like I said, they simply say if the crime was
10 committed outside the United States, we should not be
11 prosecuting it here. So I can ask them, you expressed some
12 concern about that principle, can you tell me more. And then
13 I can follow by saying the issue of jurisdiction and
14 prosecution here has already been decided, can you follow the
15 law as the judge instructs you.

16 MR. DE CASTRO: I think that works, Judge.

17 THE COURT: All right, great.

18 There were also a couple of questions where people
19 put down an answer, for example, if a family member were in
20 law enforcement or had applied for a law enforcement job, but
21 then the follow-up question was, can you be fair, and they say
22 yes.

23 So for those types of questions, do we need to ask
24 them about the family members or is it enough they said they
25 can be fair notwithstanding ties to law enforcement? I'm just

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1 using that as an example.

2 MS. KOMATIREDDY: For those types of questions,
3 Your Honor, I think, overall, someone can be fair and
4 impartial is not be basis for be cause strike. With that
5 being said, I think that both parties had the view, even if
6 someone's questionnaire has acceptable answers across the
7 board, it would be helpful to talk to the juror be little bit.
8 It would help us inform our peremptory strikes. And, so,
9 along those lines, it would be helpful.

10 THE COURT: Okay.

11 Mr. DeCastro.

12 MR. DE CASTRO: Yes, Judge. We agree. I think it
13 just bears following up in terms of the law enforcement to
14 make sure they didn't just check it really quick.

15 THE COURT: Right, okay.

16 And then there were a few jurors for whom I didn't
17 see answers that seemed to require follow-up, and, so, I
18 wonder if there were specific questions you wanted me to ask.

19 I will ask everybody, is there any reason you can't
20 be fair and impartial, as the final question, but reading -- I
21 think there were two of the questionnaires, it wasn't apparent
22 to me what you wanted to have as a follow-up.

23 MS. KOMATIREDDY: Your Honor, we can suggest those
24 to you on the fly. I noticed these as well. There were some
25 that I think we wanted to just get a sense of the juror. So

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1 even just asking about -- we'll suggest those on the fly. I
2 know which ones they are.

3 THE COURT: Okay. And, then, I have, like I said,
4 my staff bringing the jurors in one by one and there will be
5 always somebody outside waiting so we don't have delay in
6 terms of bringing people in and out.

7 Would you prefer we talk about each juror before
8 they come in and just for you to flag the questions you want
9 me to ask or do you want me just to start and then you can
10 follow-up? I don't know what's going to end up being more
11 efficient.

12 Again, I did my best to try to guess at what your
13 follow-up questions might be, but we can certainly take 30
14 seconds before each juror comes in and you can just tell me
15 what your proposed follow-up questions are.

16 MS. KOMATIREDDY: I think the 30 seconds would be
17 helpful, Your Honor.

18 MR. DE CASTRO: Agreed.

19 THE COURT: Okay. Let's do that.

20 The last thing is, I know it is often awkward when
21 the juror is here, for the parties to say you're moving to
22 strike the juror for cause. So I propose that if you think
23 the juror should be stricken for cause, that you say no
24 objection, and it will be no objection to have the juror
25 stricken, all right?

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1 So if one side says no objection and the other side
2 says no objection, then I will know that you agree the juror
3 will be stricken for cause and I will, unless there's a good
4 reason, probably then follow your lead and have the juror
5 excused.

6 So rather than -- again, in the event, for example,
7 one party moves to strike and the other one objects and the
8 juror ends up not being stricken, the juror has now heard you
9 asked to have the juror stricken. So that's why I've devised
10 that way of communicating so that the juror doesn't take
11 offense at what you're saying.

12 Does that make sense to you?

13 MS. KOMATIREDDY: Your Honor, I'm just a little
14 afraid I may mess up the code. If it would be possible to
15 have the juror step out so in the event there's argument to be
16 had, we can do that, or --

17 THE COURT: We can do it -- I have found that to
18 work very well because there will be some jurors for whom in
19 the first few seconds, it's very obvious.

20 MS. KOMATIREDDY: So no objection means neither side
21 has an objection to strike?

22 THE COURT: Yeah. No objection means no objection
23 to striking the person.

24 MR. DE CASTRO: And what if --

25 THE COURT: If one side says no objection, the other

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1 one can say, I'd like to have conversation, and then I will
2 ask the juror to step out.

3 MR. DE CASTRO: Okay. And just so I know, what's
4 going to prompt that? Are you gonna --

5 THE COURT: Just --

6 MR. DE CASTRO: Just say it at any time?

7 THE COURT: Just say it at any time because then it
8 will stop the questioning.

9 MR. DE CASTRO: Got it.

10 THE COURT: Again, it's an efficiency move. And it
11 may not be as applicable in a case like this where you've
12 already been through the questionnaire, but I've found in a
13 normal jury selection, a juror comes up and immediately says,
14 I've got a prepaid vacation or I have this health problem or
15 I'm just not going to be fair or something where it's pretty
16 obvious that there's a good cause for the juror to be
17 stricken, it does not make sense to keep asking questions at
18 that point, all right?

19 So either side has the ability to just interrupt and
20 say no objection, and if the other sides says no objection, I
21 know we can excuse the juror and not ask any further
22 questions. But if one side says no objection, the other one
23 can say, can we discuss this, and then I will ask the juror to
24 step out for a moment and we can talk outside the juror's
25 presence. You'll get the hang of it. It actually works

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1 pretty well.

2 So, does anybody have any questions before we -- I
3 am not sure all the jurors are across the hall yet, but once
4 they are, we can start. So does anybody have any questions?

5 MR. DE CASTRO: No, Judge.

6 THE COURT: No? All right. So let me look at the
7 list of the jurors who have reported this morning just to see
8 if anyone is missing. The list I've been given has everyone
9 there, but that makes me think this is not the check in list.
10 I think this is just the list of people who have been called
11 in. When Ryan comes back, he'll let us know if anyone is
12 missing, but even if anyone is missing, we'll start with
13 whoever is here.

14 My proposal is we go until 12:30-ish, unless we
15 finish the morning's group of jurors before then, and then
16 pick up again in the afternoon. Whoever -- by sometime in the
17 early afternoon, we should have a good idea of how many people
18 we would like to have called in tomorrow because the jury
19 office needs to let them know. So right after the lunch
20 break, I might ask people to weigh in depending on how quickly
21 the selection goes this morning.

22 MS. KOMATIREDDY: Your Honor, I'm not sure we
23 expressly discussed this, but we are looking to qualify 40; is
24 that correct?

25 THE COURT: That's correct.

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1 MS. KOMATIREDDY: Okay.

2 THE COURT: So if we get all 40 today, we're done
3 and then we'll go into peremptory challenges. So for the
4 peremptory challenges, what I was proposing is that the
5 jurors -- at that point, there will be 40, and we can bring
6 them into a courtroom where you can see the jurors and then
7 you can exercise your strikes.

8 Again, in the interest of efficiency, I have, in
9 other cases, done a silent peremptory challenge process where
10 there's a piece of paper and the strikes and the boxes are
11 left blank and the -- each side will do their strikes in the
12 order to which they're entitled and pass the piece of paper
13 back and forth. If there is a Batson challenge, of course,
14 you can let the Court know and we can discuss it, but
15 otherwise, you just do it that way. And if we do it that way,
16 then the jurors can be in the courtroom while it's happening.

17 Again, that seems to work pretty well. If you would
18 like to do it differently, you can let me know. Otherwise, we
19 would have to be at sidebar, and I know during Covid, we
20 didn't want to do too many sidebars. But when we get to that
21 point, we can discuss exactly how you'd like to do that, but
22 that's my proposal.

23 For the government, any questions before we call in
24 the first juror?

25 MS. KOMATIREDDY: No.

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1 THE COURT: And for the defense?

2 MR. DE CASTRO: No, Your Honor. Thank you.

3 THE COURT: Let's take a break and when my deputy
4 comes back and let's me know the jurors are across the hall,
5 we'll start.

6 (Pause in the proceedings.)

7 THE COURT: I just want to let the parties know one
8 more thing because this courtroom is being live-streamed into
9 the public area, if the parties want to have a private
10 conversation with the Court, a sidebar conversation, let me
11 know and we'll do that over here. Just because there aren't
12 other people here, does not mean we're at sidebar while we're
13 in open court.

14 Thank you.

15 (Pause in proceedings.)

16 THE COURT: So we're back on the record. I had
17 understood that the parties wanted me to address the jurors as
18 a group first or should I just bring them in one by one? My
19 intention was to bring them in one by one, but I had heard
20 from my deputy, that the parties might want me to address them
21 together, and if so, please let me know what your proposal is
22 for how that should be done.

23 MS. KOMATIREDDY: Not from us, Your Honor. We defer
24 to the Court.

25 MR. DE CASTRO: No interest in that.

Prospective Juror No. 2

15

1 THE COURT: Okay, great. So they can just bring in
2 the first juror.

3 MS. KOMATIREDDY: Your Honor, would you like our
4 comments on the first?

5 THE COURT: Yes, please. Go ahead.

6 MS. KOMATIREDDY: Juror Number 2 indicated seven
7 different places in his questionnaire, that he cannot be fair.
8 He also has a lengthy answer to the hardship question at the
9 end. I think this one slipped through. While there are some
10 jurors who marked that "can't be fair" check box a couple of
11 times, this is a real outlier, so we expect this will probably
12 be a strike for cause.

13 THE COURT: Thank you.

14 Did the defense want to add anything?

15 MR. DE CASTRO: No, Your Honor.

16 THE COURT: Okay.

17 Juror No. 2, please step up.

18 (Prospective juror number 2 enters.)

19 THE COURT: Good morning. How are you doing?

20 THE POTENTIAL JUROR: Good morning.

21 THE COURT: You can take your mask off if you feel
22 more comfortable, but you can leave it on as well.

23 You answered you might have a hardship in terms of
24 sitting on this jury. Can you tell us about that?

25 THE POTENTIAL JUROR: Yes. Unfortunately, the

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1 company that I work, for the owner is currently going to
2 hospice care, and we're reorganizing in the next couple of
3 months to figure out how we're going to continue the business,
4 and I'm part of the management team that's part of that
5 process. So more or less, if I'm gone for more than about
6 five days, the business is going to have major hardships.

7 MR. DE CASTRO: No objection.

8 MS. KOMATIREDDY: No objection, Your Honor.

9 THE COURT: Thank you for letting us know. You can
10 go back to the jury courtroom on the second floor.

11 (Prospective juror number 2 is excused.)

12 THE COURT: Next is Juror No. 3.

13 MS. KOMATIREDDY: This individual did indicate they
14 have a prebooked vacation but it would only interfere with one
15 trial day. Our view is someone with one week off, obviously,
16 we struck for hardship, but in a two-month trial, one trial
17 day here or there is, in our view, not a big deal.

18 THE COURT: How about for the defendant? This is
19 the vacation from February 17th to the 21st. The 17th is a
20 Friday, the 21st is the Tuesday after President's Day.

21 MR. DE CASTRO: Your Honor, I think it just bears
22 follow-up -- I think it bears following up. I know it's a
23 long trial. If it's one day here or there, we're in trouble
24 then.

25 THE COURT: Okay.

Prospective Juror No. 3

17

1 MS. KOMATIREDDY: In terms of follow-up questions,
2 we would request 20, 47 and 48.

3 THE COURT: Okay.

4 (Prospective juror number 3 enters.)

5 Good morning. You can come up to the podium.

6 You're Juror No. 3. How are you doing?

7 THE POTENTIAL JUROR: I'm good. How are you?

8 THE COURT: Good. You told us you have a vacation
9 planned in February?

10 THE POTENTIAL JUROR: I do.

11 THE COURT: Tell us about that.

12 THE POTENTIAL JUROR: I'm going to Mardi Gras
13 President's Day weekend. My flight is that Friday, which I
14 think is the 17th, and then I come back that Monday, which is
15 President's Day.

16 THE COURT: Okay. So if you -- on Friday, is it in
17 the evening or afternoon?

18 THE POTENTIAL JUROR: In the morning.

19 THE COURT: Morning flight, okay. And you're coming
20 back Monday, which is a holiday anyway, so you would be
21 available Tuesday?

22 THE POTENTIAL JUROR: Yes.

23 THE COURT: So, potentially, you would lose that one
24 day, Friday?

25 THE POTENTIAL JUROR: Mh-hmm.

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1 THE COURT: Okay, thank you. You also indicated you
2 have friends or family who are lawyers and also friends who
3 are public defenders. Can you tell us about that -- how close
4 are you with these individuals?

5 THE POTENTIAL JUROR: Well, my dad is a personal
6 injury defense attorney.

7 THE COURT: Okay.

8 THE POTENTIAL JUROR: One of my roommates from law
9 school is now a public defender. Then, there's other people
10 from law school that I know that are public defenders.

11 THE COURT: Okay. And do you think the fact that
12 you have connections to lawyers and public defenders would
13 affect your ability to be fair to both sides in this case?

14 THE POTENTIAL JUROR: No, not at all.

15 THE COURT: Is there any reason you can think of
16 that you would not be a fair and impartial juror?

17 THE PROSPECTIVE JUROR: No.

18 THE COURT: Thank you very much. You can go back to
19 the courtroom across the hall.

20 THE PROSPECTIVE JUROR: Okay, thank you.

21 THE COURT: Thank you.

22 (Prospective juror number 3 exits.)

23 THE COURT: So we can also, if the parties are not
24 moving to strike immediately, we can hold off on people who
25 might merit for the discussion until later on. So just to let

Prospective Juror No. 4

19

1 you know, we can do another round of strikes afterwards, if
2 that makes sense.

3 MS. KOMATIREDDY: For the Court's awareness,
4 Judge Cogan does not intend to have trial on Fridays. So I
5 think this juror can be seated.

6 THE COURT: I see. Thanks for letting me know.
7 So Juror No. 4 is the next one.

8 THE COURTROOM DEPUTY: Hold on.

9 THE COURT: Hold on. We're going to have short
10 discussions on each juror before they get called in.

11 So, on Juror No. 4, what issues would you like to
12 raise?

13 MR. DE CASTRO: I would ask about 71, which is
14 whether you're getting paid. I know that relates to people's
15 hardship.

16 THE COURT: All right.

17 And from the government? Does the government have
18 anything?

19 MS. KOMATIREDDY: No, Your Honor.

20 THE COURT: All right. Juror No. 4.

21 (Prospective juror number 4 enters.)

22 THE COURT: Good morning. Are you Juror No. 4?

23 THE PROSPECTIVE JUROR: Yes.

24 THE COURT: Okay. How are you doing today?

25 THE PROSPECTIVE JUROR: Good.

Prospective Juror No. 4

20

1 THE COURT: You can just stand at the podium. You
2 can take your bag and put it on the chair if you would like.

3 THE PROSPECTIVE JUROR: Thank you.

4 THE COURT: How are you?

5 THE POTENTIAL JUROR: Good. How are you?

6 THE COURT: I'm fine. Thank you.

7 In your questionnaire, you indicated you weren't
8 sure if you would get paid --

9 THE PROSPECTIVE JUROR: That's correct.

10 THE COURT: -- if you were to sit on the jury. Were
11 you able to make any inquiries?

12 THE PROSPECTIVE JUROR: No, I wasn't able to make
13 any inquiries because I haven't had a chance, but I will
14 definitely send an email to my team to ask them -- or to my
15 work.

16 THE COURT: Okay. And do you know of any reason
17 that you could not be fair and impartial if you were picked as
18 a juror in this case?

19 THE PROSPECTIVE JUROR: The only drawback that I
20 would have is if I'm not being paid by work. To be on jury
21 duty, that would be substantial loss of income for me because
22 I'm a single parent and I don't have additional income other
23 than what -- from my employer. So that would be my only
24 drawback.

25 THE COURT: Right. So, then, if you could find an

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1 opportunity today to make that inquiry and let the Court know,
2 then that would be helpful.

3 THE PROSPECTIVE JUROR: I won't be able to find out
4 today, but I will be able to find out tomorrow.

5 THE COURT: All right. Great. Thank you very much.

6 THE PROSPECTIVE JUROR: You're welcome.

7 THE COURT: You can go back to the jury room.

8 THE PROSPECTIVE JUROR: Thank you.

9 (Prospective juror number 4 exits.)

10 THE COURT: Next is Juror No. 6. What would the
11 government like me to ask?

12 MR. DE CASTRO: Judge, 55, 67, and 66.

13 THE COURT: I'm sorry, 55, 57?

14 MR. DE CASTRO: 67 and 66.

15 MS. KOMATIREDDY: Your Honor, 24, 42, 49, 50, and
16 67.

17 THE COURT: All right. So, say that again. 24?

18 MS. KOMATIREDDY: 42, 49, 50, the defense's as well,
19 55, 56, 66, and 67.

20 THE COURT: Okay. So, for 24, it's about travel
21 outside of the United States. What in particular do you want
22 to know?

23 MS. KOMATIREDDY: She's indicated travel to Mexico.
24 We just want to make sure she's put aside any outside
25 knowledge.

Prospective Juror No. 6

22

1 THE COURT: All right. Juror No. 6.

2 (Prospective juror number 6 enters.)

3 THE COURT: Hello, Juror No. 6. How are you doing?

4 THE PROSPECTIVE JUROR: Fine, thank you. How are
5 you?

6 THE COURT: I'm fine, thank you. If you want to
7 keep your mask on, that's fine. You can also take it off.

8 You answered the questionnaire and there are a
9 couple of things we wanted to follow-up on. I will start with
10 the answer you gave when you were asked about whether you had
11 any opinions or beliefs about law enforcement, and you said
12 you had some negative connotations.

13 So can you tell us about your answer there.

14 THE PROSPECTIVE JUROR: Sure. Where do I start.

15 So, I'm obviously black and I live in America. And
16 as a person who has public health training and a focus on
17 social determinants of health, I have studied a bunch about
18 the ways in which structural forces in this country, including
19 criminal justice and criminal justice involvement, has been
20 disproportionately impacting communities of color, having read
21 books like The New Jim Crow, have influenced my opinions about
22 the criminal justice system in this country.

23 THE COURT: All right. And do you think that -- I
24 mean, obviously living in society, one has access to news and
25 one has views. The question is whether you can put aside any

Prospective Juror No. 6

23

1 preconceptions you have and be fair and impartial in this case
2 to both the government and its witnesses and to the defendant
3 and his witnesses. Can you be fair to both sides in this
4 case?

5 THE PROSPECTIVE JUROR: I believe I could if that is
6 what is required. If that's required, then yes. Sorry, I am
7 really nervous. This is really scary.

8 THE COURT: Well, the issue would be, for example,
9 if there were law enforcement officers, whether you would
10 immediately just not believe them, or whether you would be
11 fair and listen and either believe them or not believe them
12 based on your assessment of this particular witness in this
13 particular case.

14 THE PROSPECTIVE JUROR: I understand. I would not
15 immediately dismiss their testimony. I would listen as
16 impartially as one could. Any emotional reaction that I would
17 have physiologically, I would -- I mean, I've been to therapy,
18 I know how to control my emotions, and would be able to
19 consider the testimony objectively and intellectually based on
20 the instructions that Judge Cogan would give.

21 THE COURT: So if Judge Cogan instructed you on the
22 law and you thought -- and you disagreed with what you thought
23 the law should be, would you still be able to apply the law as
24 Judge Cogan instructs you?

25 THE PROSPECTIVE JUROR: Yes, I believe so.

Prospective Juror No. 6

24

1 THE COURT: Thank you. So you also talked about
2 your concern about prosecutions of things that happen outside
3 the United States.

4 THE PROSPECTIVE JUROR: Yes.

5 THE COURT: And would you -- the issue of
6 jurisdiction of this case has been decided. The case can be
7 brought in the United States.

8 THE PROSPECTIVE JUROR: Okay.

9 THE COURT: And, so, the question for you will be
10 whether, again, if you're instructed on what the law is, and
11 some of the testimony involves things that occurred outside
12 the United States, could you follow the law as Judge Cogan
13 instructs you?

14 THE PROSPECTIVE JUROR: Yes, I believe that I could.
15 I have many other experience, professional and otherwise,
16 following instructions that, you know, may not align with my
17 personal beliefs. I feel be able to compartmentalize those
18 two as needed.

19 THE COURT: All right. Great. Thank you. And then
20 you also said you had traveled outside the United States,
21 including in Mexico?

22 THE PROSPECTIVE JUROR: Correct.

23 THE COURT: Does that travel affect your ability to
24 be fair and impartial when you're sitting on a jury that's
25 deciding things that involve Mexico?

Prospective Juror No. 6

25

1 THE PROSPECTIVE JUROR: I don't think so. I mean, I
2 enjoyed my vacations there but I, by no means, have an
3 overwhelmingly positive or overwhelmingly connotation of that
4 country and the people who govern it.

5 THE COURT: And you said you may have some problems
6 avoiding watching the news if you were to sit on this trial.
7 Can you tell me a bit --

8 THE POTENTIAL JUROR: Sure. I listen to BBC World
9 Service and the WNYC daily. It's usually on in the background
10 in my office. And when I work from home, it's on at home. I
11 listen to many news pod-casts. I mean, obviously, I can just
12 not listen to them. I also live with a partner who is also
13 very informed, listens to a lot of news, and he often will
14 just tell me what he read.

15 THE COURT: Right.

16 THE PROSPECTIVE JUROR: So I do have a concern
17 about, like, even if I control myself, somehow getting exposed
18 to information from other sources close to me is a concern.

19 THE COURT: Right. Well, if you were to listen to
20 the radio or watch T.V. and you saw or heard something, a news
21 report that covered the trial, for example, you would then
22 just turn it off immediately so hopefully you wouldn't hear
23 anything incriminating or problematic in the first two
24 seconds. But as soon as you heard it, you would turn the
25 radio off. And then the same thing with your partner, if your

Prospective Juror No. 6

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1 partner started to say something about the case, you would say
2 don't talk about that, I can't hear anything about that.

3 Would you be able to create that environment for
4 yourself?

5 THE PROSPECTIVE JUROR: Yes, if that is required. I
6 was concerned if I had accidental exposure, that would be a
7 problem.

8 THE COURT: Right. If it were to be in the nature
9 of, and our next report is about this trial, and you turned it
10 off immediately at that point, it would be fine. You know
11 just know there's coverage, but if you heard something
12 specific about something that happened, then that might be a
13 problem. But if you were -- the moment you heard something
14 start and you were able to turn it off, then that would be
15 okay.

16 THE PROSPECTIVE JUROR: Yeah, I feel comfortable
17 doing that.

18 THE COURT: Would that work for you?

19 THE PROSPECTIVE JUROR: Yes.

20 THE COURT: Great.

21 Were there any other questions from the parties?

22 MS. KOMATIREDDY: 50 and 66, Your Honor.

23 THE COURT: Okay. So, you also said that you felt
24 the country's War on Drugs has largely and disproportionately
25 destroyed the lives of black and brown people in the

Prospective Juror No. 6

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1 United States, and you also don't think that this War on Drugs
2 on curved drug use. Can you talk a little bit about that?

3 THE PROSPECTIVE JUROR: That opinion has been
4 largely formed through reading. As I referenced previously,
5 having read books like The New Jim Crow by Michelle Alexander.
6 So I do hold that opinion somewhat strongly, but it's a part
7 of the lens with which I consider the actions of the law
8 enforcement and criminal justice agencies within the
9 United States.

10 However, while I hold that opinion, I wanted to
11 disclose these opinions in the questionnaire as instructed.
12 If I am selected and required to consider the instructions
13 given and consider the law as I've told them, I feel capable
14 of following those instructions, but those opinions have been
15 largely formed through reading, not through personal
16 experience.

17 THE COURT: All right. Well, thank you for being
18 open with us about those opinions. But could you set -- I
19 think I heard you say this, but I just want to confirm that
20 you could set aside those opinions and decide the case just
21 based on the evidence presented, even if it involved drugs
22 and, you know, perhaps, would be encompassed in the
23 War on Drugs, could you do that and be fair in this particular
24 case?

25 THE PROSPECTIVE JUROR: Yes, Your Honor.

Jury Selection

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1 THE COURT: All right. And then I think I you
2 answered the question about being exposed to media. Did you
3 have any questions about what you would have to do to make
4 sure you're not exposed accidentally to news reports?

5 THE PROSPECTIVE JUROR: No. I think it's clear if
6 there's any leads saying that the next report would be on X, I
7 would shut it off immediately. If my partner or anyone else
8 started to talk to me, I would say I can't hear that, don't
9 talk to me about that. I think the boundaries I would have to
10 set are clear.

11 THE COURT: Thank you very much.
12 Are there any follow-up from either side?

13 MR. DE CASTRO: No, Your Honor.

14 MS. KOMATIREDDY: No, Your Honor. Thank you.

15 THE COURT: Thank you so much. You can go back to
16 the jury room across the hall.

17 THE PROSPECTIVE JUROR: All right. Thank you.
18 (Prospective juror number 6 exits.)

19 THE COURT: The next juror is Juror No. 7. What
20 questions would you like --

21 MS. KOMATIREDDY: Your Honor, for clarity on one
22 thing. I know when we are not striking for a hardship, when
23 someone walks out the door, is that, that that person is being
24 seated, or that we have the opportunity to move to strike for
25 cause at a later time after the morning session?

Prospective Juror No. 7

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1 THE COURT: I will give you an opportunity to strike
2 for cause later, but if there's something you want to say
3 immediately, you can do that so that the juror -- potentially,
4 we don't have to have the juror go all the way back to the
5 other room before we ask follow-up questions. What did you
6 want to ask?

7 MS. KOMATIREDDY: I think we'll hold on this one.
8 Thank you, Your Honor.

9 THE COURT: Okay. Juror No. 7.

10 (Prospective juror number 7 enters.)

11 THE COURT: Good morning. You're Juror No. 7?

12 THE PROSPECTIVE JUROR: Good morning. Yes.

13 THE COURT: How are you doing?

14 THE PROSPECTIVE JUROR: Good. How are you?

15 THE COURT: I'm good. So, I wanted to ask you a
16 couple of questions about your answers on the questionnaire.
17 The first is that you thought you may have heard something
18 about this case. So, can you tell us what you heard about
19 this case?

20 THE PROSPECTIVE JUROR: Well, just I recognized -- I
21 just recognized the name of the gang and I thought that
22 related to the El Chapo case and just, you know, not too deep,
23 but the headlines end of it, you know. That's all.

24 THE COURT: Okay. Do you think that would affect
25 your ability to be fair in this case?

Prospective Juror No. 7

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1 THE PROSPECTIVE JUROR: I don't think so.

2 THE COURT: Okay. And then you also said that you
3 have a cousin who is a real estate lawyer. Can you tell us --
4 but you said you're not close. So do you --

5 THE PROSPECTIVE JUROR: We talk a couple of times a
6 year.

7 THE COURT: Okay.

8 THE PROSPECTIVE JUROR: Yeah, nothing -- we don't
9 talk about shop.

10 THE COURT: Okay. And if you're instructed on the
11 law and your cousin may have told you something else about
12 what the law is, would you be able to follow the judge's
13 instruction rather than what your cousin said?

14 THE PROSPECTIVE JUROR: Yes.

15 THE COURT: Okay. And you said that you think that
16 marijuana should be legal.

17 THE PROSPECTIVE JUROR: Yes.

18 THE COURT: But not other drugs, right?

19 THE PROSPECTIVE JUROR: Right.

20 THE COURT: And, again, does this affect your
21 ability to be fair in this case that might involve drugs?

22 THE PROSPECTIVE JUROR: Yeah. I do have some
23 friends or family who do have substance abuse problems. So I
24 have really strong feeling about those kinds of drugs coming
25 into the country.

Prospective Juror No. 7

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1 THE COURT: And do you think those strong feelings
2 might affect your ability to be fair in this case that involve
3 drug trade?

4 THE PROSPECTIVE JUROR: Maybe.

5 THE COURT: Tell me about that.

6 THE PROSPECTIVE JUROR: I've just seen how it ruins
7 peoples' lives, especially people close to me. So I, you
8 know, prefer people who are involved in that trade be
9 punished.

10 THE COURT: Okay. But the issue would be whether
11 the person on trial here did the things that he's accused of
12 doing.

13 THE PROSPECTIVE JUROR: Right.

14 THE COURT: Right? And, so, you could have views
15 that somebody who breaks the law should be punished, but the
16 issue, if you're a juror, is whether this particular did the
17 things he's accused of doing. So could you be fair in this
18 case?

19 THE PROSPECTIVE JUROR: Yes.

20 THE COURT: And you would put aside your general
21 views about the harmfulness of drugs to be fair to the parties
22 in this case, both the defendant who is accused of being
23 involved in criminal activity, and to the government that's
24 accusing him?

25 THE PROSPECTIVE JUROR: Yes.

Prospective Juror No. 8

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1 THE COURT: Okay. Do you have anything else you
2 would like to raise with us in terms of your ability to be
3 fair and impartial?

4 THE PROSPECTIVE JUROR: No.

5 THE COURT: Okay.

6 Any follow-up?

7 MS. KOMATIREDDY: No, Your Honor.

8 THE COURT: Thank you very much. You can go back to
9 the jury room.

10 (Prospective juror number 7 exits.)

11 THE COURT: So, Juror No. 8, there's a timing
12 question. It didn't look like there is anything else.

13 MS. KOMATIREDDY: I'm sorry, I didn't hear you.

14 THE COURT: There is a hardship question.

15 MR. DE CASTRO: I had 69 and 70.

16 THE COURT: 69, yeah. But beyond that? And 47.

17 MS. KOMATIREDDY: Right, Your Honor. In general,
18 because the Court is not sitting on Fridays, we expect that
19 folks would still be able to do some work on their regular
20 jobs on Fridays. And this is not specific in terms of the
21 scheduling of these sessions or whether someone else at work
22 can do this for them.

23 THE COURT: Okay. So we can bring in Juror No. 8.

24 (Prospective juror number 8 enters.)

25 THE COURT: Good morning. You can come right up.

Prospective Juror No. 8

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1 How are you?

2 THE PROSPECTIVE JUROR: Good. How are you?

3 THE COURT: You can leave your mask on or take it
4 off, whatever is more comfortable for you.

5 You said that you have some -- you answered that you
6 might have an issue with scheduling because of your work. Can
7 you tell us about that?

8 THE PROSPECTIVE JUROR: Yes. Well, my boss -- I've
9 been helping her with a company requirement we have. They're
10 requiring us -- each of our teams to have diversity, equity
11 and inclusion conversations. I've been helping her prepare
12 for and facilitate those all month and it's very important
13 that I'm present for those. And just the overall nature of my
14 work.

15 I'm in book publishing and I'm responsible for 30
16 active projects, and that would go to my boss and, she's also
17 recovering from a broken rib and I'm kind of having some
18 anxiety about how much that would put on her.

19 THE COURT: These DEI conversations, are they
20 something that could happen on Friday? Because the Court is
21 not sitting on Friday.

22 THE PROSPECTIVE JUROR: They're kind of like an
23 all-month thing. We've been preparing and having meetings and
24 facilitating things and doing research and pulling things
25 together. So I -- I don't know for sure whether we could

Prospective Juror No. 8

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1 schedule it for that because they're, like, for the whole --
2 for my whole department and they're -- we have to have them by
3 the end of the month, so.

4 THE COURT: And are there other people who could
5 step in and do that work for you or help you, fill in for you?

6 THE PROSPECTIVE JUROR: At this point, because I've
7 already been helping her, it would be harder for that to
8 happen.

9 THE COURT: And you said your boss is recovering
10 from a broken rib?

11 THE PROSPECTIVE JUROR: Yeah.

12 THE COURT: Is she working or unable to work?

13 THE PROSPECTIVE JUROR: Well, we all work from home,
14 so at least there's that, that she can work from home and be
15 recovering hopefully better but I don't know her -- her
16 details of that, but I just know that's an extra thing she's
17 dealing with.

18 THE COURT: Is there any way for you to find out
19 from your work whether there is availability to help fill in
20 for the days you're not available, and if you worked on
21 Fridays and did what you needed to do on Friday, whether that
22 would work?

23 THE PROSPECTIVE JUROR: I just don't think with my,
24 you know, with the volume of my workload, I could do that. I
25 just don't see how this could be fusible, especially if this

Prospective Juror No. 8

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1 is up to eight-weeks of a commitment.

2 THE COURT: How many other co-workers do you have?

3 THE PROSPECTIVE JUROR: There are 11 people on my
4 team.

5 THE COURT: And none of those people could help you
6 out?

7 THE PROSPECTIVE JUROR: I mean, they do all have
8 their own full schedules as well, and with the
9 unpredictability of how this has kind of gone so far, we
10 haven't really been able to reschedule my things with them or
11 anything.

12 THE COURT: And could the things you're talking
13 about, the conversations, be rescheduled sometime beyond
14 March?

15 THE PROSPECTIVE JUROR: It's the company requirement
16 that we do them by the end of this month.

17 THE COURT: And that's not something that your
18 company could reschedule to a different month?

19 THE PROSPECTIVE JUROR: I -- we were just told that
20 we had to do them by the end of -- this month. I don't know
21 what their -- I don't know if we are able to make an
22 exception.

23 THE COURT: Okay. All right. You also mentioned
24 that you have friends who have been law clerks here?

25 THE COURT: Are they people who are currently law

Jury Selection

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1 clerks?

2 THE PROSPECTIVE JUROR: I don't really know the
3 details. I know one of them is in Connecticut, one of them is
4 in Colorado. I don't recall know anything else besides that.

5 THE COURT: Do you talk to them about the law?

6 THE PROSPECTIVE JUROR: Not particularly.

7 THE COURT: Okay. Because the important thing would
8 be, if they told you something about what the law is and the
9 judge in this case told you the law is something different, is
10 whether you would accept the judge's instruction rather than
11 what your friends told you?

12 THE PROSPECTIVE JUROR: No, I don't talk to them
13 about that kind of thing.

14 THE COURT: Okay, great. So It's the just the
15 scheduling issue?

16 THE PROSPECTIVE JUROR: Yes.

17 THE COURT: Any follow-up for the lawyers?

18 MR. DE CASTRO: I have no objection.

19 MS. KOMATIREDDY: We'd like to discuss, Your Honor.

20 THE COURT: Why don't you step out a moment and I'd
21 like to talk to the lawyers for a minute.

22 THE POTENTIAL JUROR: Yes.

23 (Prospective juror number 8 exits.)

24 MS. KOMATIREDDY: Your Honor, it does not appear
25 there's any hardship for the juror herself. What she's

Jury Selection

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1 expressed is an apparent, I won't even call it a hardship,
2 inconvenience, for the employer. It's a large book publishing
3 company. If one individual alone has 30 book projects, I
4 expect this is a larger company. It's a company that the
5 juror has indicated will pay her for jury service.

6 THE COURT: Did she say it is a large company?

7 MS. KOMATIREDDY: I'm surmising it's a large company
8 based on the face that she said there's 11 people on her team
9 alone, and she, alone, handles 30 book projects. If the
10 employer wants to come in here and defend the hardship, that's
11 one thing, but I don't think this is the kind of thing that
12 the courts regularly recognize as a hardship for an actual
13 person who's going to get paid for jury service.

14 MR. DE CASTRO: Judge, a couple things. This is why
15 I like in-person proceedings. She's very uncomfortable,
16 really does not want to be here and I don't see it as
17 something coming from a bad place. I think she's very, very
18 worried about whether she can handle this project and that
19 they're leaning on her, with her boss having a real physical
20 issue, and I would just say, I mean, I know we are concerned
21 that a lot of people will express hardships, but from our
22 perspective, I would let her go for hardship.

23 (Continued on the following page.)
24
25

Jury Selection

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1 (Continued.)

2 MS. KOMATIREDDY: Your Honor, in terms of the lack
3 of comfort, that is entirely being imposed by her boss, a
4 company, again, where everyone is working remotely. It seems
5 to be it's improper for the employer to get away with this
6 kind of behavior, to pressure their employee to try to get out
7 of jury service. There is no actual issue with the juror.
8 She's feeling pressure from her company. I would ask that the
9 Court call the employer and instruct them that that's
10 inappropriate. Jury service is part of our civic duty and
11 it's not appropriate to have an employee come in here slightly
12 nervous because they're afraid of upsetting their boss.

13 THE COURT: Well, I think given the circumstances,
14 she -- I don't think it's every case. I think said there is a
15 specific deadline coming up here. If things need to be done,
16 she has a specific circumstance where her boss is recovering,
17 she said, from a broken rib and it's difficult to have
18 somebody fill in for her.

19 There are other juries that she could sit on that
20 could be a shorter trial and I think based on the
21 circumstances here, I will have her stricken for cause.

22 Okay. Let's move on.

23 So, you can tell her that she is excused. Juror No.
24 8 is excused.

25 Let's bring in Juror No. 9. Before we bring in

Prospective Juror No. 9

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1 Juror No. 9.

2 MR. DE CASTRO: 62, I have.

3 THE COURT: Okay. And from the Government?

4 MS. KOMATIREDDY: 42, 46, 47, 62.

5 THE COURT: Okay.

6 (Prospective Juror No. 9 enters.)

7 THE COURT: Hi. Juror No. 9, step right up to the
8 podium, please.

9 How are you doing?

10 THE PROSPECTIVE JUROR: Good. How are you?

11 THE COURT: I'm good. You answered -- there are a
12 couple of answers on the questionnaire that we want to follow
13 up on --

14 THE PROSPECTIVE JUROR: Can I lean? Can I lean on
15 this?

16 THE COURT: Sure. But just make sure that you are
17 standing close enough for the microphone to pick you up?

18 THE PROSPECTIVE JUROR: Okay.

19 THE COURT: So you said in answer to the question
20 about cooperating witnesses.

21 THE PROSPECTIVE JUROR: Uh-hum.

22 THE COURT: You might have some problems because you
23 would wonder if they were lying to lessen their sentence. Can
24 you talk about that a little bit?

25 THE PROSPECTIVE JUROR: Yes, I thought when I read

Prospective Juror No. 9

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1 the question, it wasn't cooperating witnesses, as much as
2 people who were also accused of things, but were giving
3 testimony and I figured they could lie to get a lesser
4 sentence. I wouldn't know.

5 THE COURT: Right. Well, you know, one of the jobs
6 as a juror is to listen to people and decide if they're
7 telling the truth or not.

8 THE PROSPECTIVE JUROR: Yeah.

9 THE COURT: So for every witness, you're supposed to
10 be asking yourself is this person telling the truth or not
11 and --

12 THE PROSPECTIVE JUROR: Uh-hum.

13 THE COURT: Whether they have a motive to lie is one
14 of the things that you would consider. So the question is
15 whether you would be inclined not to believe somebody just
16 because they might have a motive to lie or have committed a
17 crime or whether you would be able to assess their credibility
18 based on all the normal things you would do in regular life to
19 decide if someone was telling the truth or not.

20 THE PROSPECTIVE JUROR: I would do my best to find
21 out if they were telling the truth. I wouldn't lie to you and
22 say that it would not be colored with the fact that they might
23 be a criminal whose been convicted of something, not just
24 hearsay.

25 THE COURT: Well, that would one of the things you

Prospective Juror No. 9

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1 would take into account.

2 THE PROSPECTIVE JUROR: Yes.

3 THE COURT: If you feel based on everything else,
4 that they were telling the truth, whether you would believe
5 them or you would not just automatically believe them.

6 THE PROSPECTIVE JUROR: No, I would believe them.

7 THE COURT: You would believe them based on their
8 credibility of the --

9 THE PROSPECTIVE JUROR: Yes.

10 THE COURT: So you wouldn't necessarily believe them
11 or not believe them automatically?

12 THE PROSPECTIVE JUROR: My judgment would be
13 colored, I believe. However, after hearing it and hearing
14 everything, I would then try and make up my mind.

15 THE COURT: Do you think you could set aside your
16 initial thought --

17 THE PROSPECTIVE JUROR: I could try as much as I
18 can.

19 THE COURT: Okay. Well, that's all we can ask of
20 jurors, is that they do their best and you know better than
21 anyone else whether you could do it or not.

22 So do you think you could do it?

23 THE PROSPECTIVE JUROR: Yes.

24 THE COURT: Okay. Then you also answered that you
25 or someone you knew had been stopped, questioned,

1 investigated or prosecuted, but you thought you could be,
2 fair.

3 THE PROSPECTIVE JUROR: Just traffic stops and
4 things like that, you know.

5 THE COURT: Okay. And, so, was there anything about
6 those encounters that -- was it you personally?

7 THE PROSPECTIVE JUROR: Yeah, I mean, I have had
8 family who have been pulled over too. They've had no bad
9 interactions, neither have I.

10 THE COURT: So, you said no bad interactions. So,
11 would you still be fair, notwithstanding that you have had
12 these encounters?

13 THE PROSPECTIVE JUROR: Yes.

14 THE COURT: You also said that you have an
15 ex-brother-in-law who is a criminal lawyer or investigator.
16 Did you talk to him much about criminal law?

17 THE PROSPECTIVE JUROR: I haven't spoken to him
18 since I got divorced about 10 or 11 years ago.

19 THE COURT: All right. So the question there would
20 be whether, you know, sometimes when people are talking to
21 lawyers they learn or hear certain things. And, so, the
22 question is if Judge Cogan, at the end of the trial, told you
23 what the law is and you think, oh, my ex-brother-in-law told
24 me something different, whether you would accept what Judge
25 Cogan told you?

Prospective Juror No. 10

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1 THE PROSPECTIVE JUROR: I would accept it because we
2 never told me anything about the law. We didn't have
3 conversations, yeah.

4 THE COURT: Fair enough. Great. Is there any
5 reason why you could not be fair and impartial in this case?

6 THE PROSPECTIVE JUROR: No.

7 THE COURT: Any follow up?

8 MR. DE CASTRO: No.

9 THE COURT: Thank you very much. Go back into the
10 jury assembly room.

11 THE PROSPECTIVE JUROR: Thank you.

12 (Prospective juror No. 9 exits.)

13 THE COURT: Juror No. 10, what questions would you
14 like me to follow up on?

15 MR. DE CASTRO: I have 55, 56, 62, 66, 67, but maybe
16 the first order is a hardship.

17 THE COURT: Great. Okay. For the Government,
18 anything other than that?

19 MS. KOMATIREDDY: I see 44's father's is a retired
20 police officer and this individual had been a legal secretary.

21 MR. DE CASTRO: Yes.

22 MS. KOMATIREDDY: Your Honor, we will start with 69
23 on this one and then otherwise 24, 37, 52, 55, 56, 62, and 66.

24 THE COURT: Okay. Great. Juror No. 10.

25 (Prospective Juror No. 10 enters.)

Prospective Juror No. 10

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1 THE COURT: Come up to the podium. You can leave
2 your mask on or you can take it off, whatever you are
3 comfortable with.

4 How are you doing?

5 THE PROSPECTIVE JUROR: Okay.

6 THE COURT: So I wanted to ask you some questions
7 about the answers that you gave. And I'll start with your
8 answer to the question whether you had a hardship with serving
9 on this jury and you said that you are teacher and that you
10 had some concerns. Can you tell us about that?

11 THE PROSPECTIVE JUROR: So, in addition -- well,
12 one, I'm a teacher. This late in the year, it would be -- I'm
13 not sure if my position would be filled fully. So I feel like
14 it's not really fair to the kids.

15 In addition, which I didn't write because I got
16 quite nervous when I read the synopsis of the case. My son
17 goes to the same school that I work in. And I work in a
18 different borough than we live in. So my son wouldn't have
19 anybody to take him home from school or from, you know,
20 getting him to school and getting him home from school would
21 be an issue for as long as the trial would be.

22 THE COURT: Yes.

23 THE PROSPECTIVE JUROR: In addition, we have things
24 -- they had said the timeframe of the trial -- we have twice
25 planned for, which may or may not be affected and as you can

Prospective Juror No. 10

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1 tell, I'm very anxious.

2 THE COURT: Yes.

3 THE PROSPECTIVE JUROR: -- about this. This makes
4 me very nervous.

5 THE COURT: Tell me about what you're anxious about.

6 THE PROSPECTIVE JUROR: When I read about the case,
7 it made me very uncomfortable. I have anxiety. I'm in
8 therapy. I got -- just what I do know about the people
9 involved I find very alarming.

10 MR. DE CASTRO: Your Honor, no objection.

11 MS. KOMATIREDDY: No objection.

12 THE COURT: Thank you very much. You are excused.
13 Go back to the jury room on the second floor. Thank you for
14 your services.

15 THE PROSPECTIVE JUROR: Okay.

16 (Prospective juror No. 10 excused.)

17 THE COURT: Juror No. 11, do you have any -- there
18 were a lot of yeses, a lot of answers yes.

19 MR. DE CASTRO: Judge, it might be easier to do the
20 ones we are not going to follow up on.

21 THE COURT: Okay.

22 MR. DE CASTRO: No, I'm just kidding.

23 I had like 35, 36, 40, 42, I mean, we should start
24 with hardship.

25 MS. KOMATIREDDY: It might have been one that

Prospective Juror No. 13

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1 slipped through. We would agree to strike for cause based on
2 the questionnaire, he says approximately 10 times they cannot
3 be fair and impartial.

4 MR. DE CASTRO: We agree, Judge.

5 THE COURT: Okay. So tell Juror No. 11 that
6 juror -- well, have the juror come in and I will let the juror
7 know.

8 (Prospective Juror No. 11 enters.)

9 THE COURT: Hi, Juror No. 11. How are you doing?

10 THE PROSPECTIVE JUROR: Good. How are you?

11 THE COURT: Good. So I just wanted to let you know
12 that you are excused.

13 THE PROSPECTIVE JUROR: Thank you very much.

14 THE COURT: So go back to the second floor jury
15 room.

16 THE PROSPECTIVE JUROR: Thank you.

17 (Prospective juror No. 11 excused.)

18 THE COURT: So Juror No. 12 is not here yet, and we
19 will go to Juror No. 13. So for Juror No. 13.

20 MR. DE CASTRO: I had 52 and 58.

21 THE COURT: All right.

22 MR. DE CASTRO: 35 as well.

23 MS. KOMATIREDDY: 42, and that's it.

24 THE COURT: Okay. Juror No. 13.

25 (Prospective Juror No. 13 enters.)

Prospective Juror No. 13

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1 THE COURT: Juror No. 13, come right up to the
2 podium.

3 THE PROSPECTIVE JUROR: Here?

4 THE COURT: You can stand there. The chair is there
5 if you want to put down your bag.

6 THE PROSPECTIVE JUROR: Thank you.

7 THE COURT: How are you doing?

8 THE PROSPECTIVE JUROR: Good. How are you?

9 THE COURT: Good. We had follow-up questions for
10 you based on the answers you gave on the questionnaire. You
11 stated that one of your college friends is in the FBI and your
12 boyfriend is an ADA.

13 THE PROSPECTIVE JUROR: Yes.

14 THE COURT: Can you tell us about those connections?

15 THE PROSPECTIVE JUROR: She was my friend in high
16 school and we keep in touch. I know she works in the FBI. I
17 don't know what she does exactly. I think does paperwork.
18 And my boyfriend is in narcotics in Suffolk County.

19 THE COURT: And do you think the fact that you have
20 these connections in law enforcement and prosecution would
21 affect your ability to be fair to the defense as well as to
22 the Government in this case?

23 THE PROSPECTIVE JUROR: The defense is the other
24 side?

25 THE COURT: The defendant, yes. So in this case the

Prospective Juror No. 13

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1 Government has accused the defendant of committing crimes, and
2 as a juror, it is your job to listen to the evidence and be
3 fair to the defendant, as well to the Government.

4 THE PROSPECTIVE JUROR: Yeah.

5 THE COURT: The reason I'm asking the question is
6 because you have the friend who works for the FBI and your
7 boyfriend who is a criminal prosecutor.

8 THE PROSPECTIVE JUROR: Yeah, I don't think it would
9 be a problem.

10 THE COURT: Do you think you would favor the
11 Government because your boyfriend represents the Government in
12 Suffolk County?

13 THE PROSPECTIVE JUROR: No. I don't know. I mean,
14 I'm a guidance counselor, so I feel like I'm used to being
15 impartial.

16 THE COURT: So I don't think that would be a
17 problem. All right.

18 And the fact that your friend is an FBI agent, there
19 may be law enforcement officers who testified and the question
20 -- and as a juror, it's your job to assess the credibility of
21 the witness.

22 THE PROSPECTIVE JUROR: Uh-hum.

23 THE COURT: It wouldn't be good if you were to say
24 I'm not going to believe someone or I'm always going to
25 believe someone just because of the job they are doing.

Prospective Juror No. 13

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1 THE PROSPECTIVE JUROR: Right.

2 THE COURT: Would you be able to assess the
3 credibility of a FBI agent who testified?

4 THE PROSPECTIVE JUROR: Yes.

5 THE COURT: Or a law enforcement officer?

6 THE PROSPECTIVE JUROR: Yes.

7 THE COURT: Okay. Now, you also said that you a
8 moving violation --

9 MR. DE CASTRO: Your Honor, I'm sorry.

10 THE COURT: I'm sorry.

11 MR. DE CASTRO: I'm sorry to interrupt. Could you
12 just follow up on if she speaks with her boyfriend about his
13 cases, if you don't mind.

14 THE COURT: Sure.

15 So, do you speak to his boyfriend about the cases
16 that he is prosecuting?

17 THE PROSPECTIVE JUROR: Yes. He has told me about
18 cases. Uh-hum.

19 THE COURT: Because if he is prosecuting narcotics
20 cases, this is a narcotics case.

21 THE PROSPECTIVE JUROR: Right.

22 THE COURT: And, so, the concern would be whether
23 you have gained any information from him that would affect
24 your ability to be fair in this case.

25 THE PROSPECTIVE JUROR: I mean, I haven't talked to

Prospective Juror No. 13

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1 him about this case, but we have talked about cases that he
2 has been working on previously.

3 THE COURT: Do you think --

4 THE PROSPECTIVE JUROR: So I'm familiar with a
5 little bit of what happens in the courtroom.

6 THE COURT: Right.

7 THE PROSPECTIVE JUROR: Uh-hum.

8 THE COURT: And would it cause -- would you be
9 able -- if you thought the Government did not make out its
10 case, would that be -- would you be thinking I should convict
11 because my boyfriend's a prosecutor and he would want me to
12 find somebody guilty?

13 THE PROSPECTIVE JUROR: No.

14 THE COURT: So you would be fair to the defendant as
15 well as to the prosecution?

16 THE PROSPECTIVE JUROR: Yes.

17 THE COURT: Can you set aside anything your
18 boyfriend may have said about what the law is?

19 THE PROSPECTIVE JUROR: I mean, that could be a
20 little bit challenging.

21 THE COURT: Tell me about that.

22 THE PROSPECTIVE JUROR: I mean, just because I see
23 the other side of it. I don't know. I'd like to think of him
24 as fair at his job also, so.

25 THE COURT: And people can be fair but they have

Prospective Juror No. 13

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1 particular views.

2 THE PROSPECTIVE JUROR: Right.

3 THE COURT: So you need to be impartial.

4 THE PROSPECTIVE JUROR: Right.

5 THE COURT: When he's in court, he's representing
6 one side. And when you're juror, you're not representing one
7 side; you have to look at both sides and make that
8 determination.

9 THE PROSPECTIVE JUROR: Uh-hum.

10 THE COURT: Could you be fair and be impartial?

11 THE PROSPECTIVE JUROR: I would definitely try.

12 THE COURT: Do you think you could do it?

13 THE PROSPECTIVE JUROR: Yeah.

14 THE COURT: Okay. And if you -- if your boyfriend
15 had said this is what the law says in terms of what the
16 criminal offense -- you know, some drug offense and Judge
17 Cogan instructed you on the law and you hear it and say well,
18 that's different from what my boyfriend said, would you be
19 able to follow the instruction on what the law is as far as
20 what Judge Cogan tells you and not what your boyfriend may
21 have said?

22 THE PROSPECTIVE JUROR: Yes, of course.

23 THE COURT: Do you have any concerns about your
24 ability to be fair and impartial?

25 THE PROSPECTIVE JUROR: Not particularly, no.

Prospective Juror No. 13

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1 THE COURT: No? All right.

2 Now, you also said you had a moving violation that
3 is pending trial.

4 THE PROSPECTIVE JUROR: Uh-hum.

5 THE COURT: Is that a criminal case or it's --

6 THE PROSPECTIVE JUROR: Not that I am aware.

7 THE COURT: It is just a traffic violation case.

8 THE PROSPECTIVE JUROR: Yes.

9 THE COURT: So is there anything about that case
10 pending that might cause you not to be fair in this case?

11 THE PROSPECTIVE JUROR: No. I was just putting it
12 out there.

13 THE COURT: Okay. So then I wanted to know about
14 the show that you saw about El Chapo on Netflix. You didn't
15 finish the show.

16 THE PROSPECTIVE JUROR: Oh, yeah.

17 THE COURT: What did you learn?

18 THE PROSPECTIVE JUROR: It was Narcos. I watched
19 the first three episodes of Narcos and I lost interest.

20 THE COURT: You what?

21 THE PROSPECTIVE JUROR: I lost interest.

22 THE COURT: Okay. That is a fictionalized. Is it a
23 documentary?

24 THE PROSPECTIVE JUROR: No, it's not a documentary,
25 I think it is based on real events.

1 THE COURT: So --

2 THE PROSPECTIVE JUROR: But it's not completely
3 truth, I don't think.

4 THE COURT: So do you think having seen at least
5 some episodes of Narcos would affect your ability to be fair
6 in a case that involved either that drug cartel or something
7 similar to it?

8 THE PROSPECTIVE JUROR: No. It was fictionalized.
9 It was just TV.

10 THE COURT: Great. And then, finally, you've said
11 you've seen students who have abused substances, and so that
12 causes you concern about drugs. So can you tell us about
13 that?

14 THE PROSPECTIVE JUROR: Just -- I mean, I see an
15 uptick in drugs and people selling drugs to children, which I
16 have feelings about, obviously. And the fact that they're
17 able to get their hands on substances, so ... I just I guess
18 I've seen the other side of it.

19 THE COURT: Which other side of it?

20 THE PROSPECTIVE JUROR: The other side of like how
21 drugs get into the country and how they are distributed from
22 there and how they affect our youths.

23 THE COURT: Well, you know, this case involves
24 allegations of drug importation. So do you think you could
25 set aside your feelings about drug use and drug importation

Prospective Juror No. 13

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1 and be fair in this particular case to the person who has been
2 accused of doing those things?

3 THE PROSPECTIVE JUROR: I think when it comes to my
4 kids, it's hard, but I guess if it's not involving any
5 children, I could be fair.

6 THE COURT: Well, I don't know that the evidence
7 will be specifically about kids --

8 THE PROSPECTIVE JUROR: Right.

9 THE COURT: -- but it will be about drugs coming
10 into the country.

11 THE PROSPECTIVE JUROR: So, in that sense, then,
12 yes.

13 THE COURT: Then yes?

14 THE PROSPECTIVE JUROR: I would be -- I would
15 consider myself fair and impartial.

16 THE COURT: So you think you could be fair even if
17 -- even if the case involved evidence of drugs coming into the
18 country and you might think that those drugs would end up in
19 the hands of children?

20 THE PROSPECTIVE JUROR: Not that --

21 THE COURT: The issue is whether you could be fair
22 to the parties in this case.

23 THE PROSPECTIVE JUROR: I think in that sense, I
24 would probably say no.

25 THE COURT: Tell me what you mean.

Prospective Juror No. 13

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1 THE PROSPECTIVE JUROR: If it did have to involve
2 children, I don't know that I would be able to be fair and
3 impartial in that sense.

4 THE COURT: Like I said, the case is unlikely to
5 involve evidence directly -- --

6 THE PROSPECTIVE JUROR: Right.

7 THE COURT: -- about children, but it is about the
8 importation -- its allegations of importation of large amounts
9 of narcotics coming in the country.

10 THE PROSPECTIVE JUROR: Right.

11 THE COURT: So I wanted to -- since you have said
12 drugs, you don't like the fact that drugs are ending up being
13 sold to children --

14 THE PROSPECTIVE JUROR: Uh-hum.

15 THE COURT: -- whether you could put that aside and
16 be fair to the parties in this case and assess whether the
17 allegations are proven or not. The question isn't whether it
18 is good.

19 THE PROSPECTIVE JUROR: Right.

20 THE COURT: It is whether the Government has proven
21 beyond a reasonable doubt that these particular crimes were
22 committed by this particular person. So could you be fair in
23 this case even though you are thinking about these other
24 things in the back of your head?

25 THE PROSPECTIVE JUROR: In that case, yes, if we are

Jury Selection

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1 going by the facts of what's happening, yes.

2 THE COURT: So you would be fair to the parties in
3 this case, notwithstanding what you've seen with regard to
4 drugs and drug use?

5 THE PROSPECTIVE JUROR: Correct.

6 THE COURT: All right. Any follow up?

7 MS. KOMATIREDDY: Not from the Government, Your
8 Honor.

9 THE COURT: All right. Thank you very much.

10 THE PROSPECTIVE JUROR: Thank you.

11 (Prospective juror 13 exits.)

12 THE COURT: I have Juror No. 14.

13 MR. DE CASTRO: Judge, before we do that, maybe --

14 THE COURT: Yes.

15 MR. DE CASTRO: -- can I just address -- I think
16 that's a tough one.

17 THE COURT: Yeah.

18 MR. DE CASTRO: She's going back and forth. She is
19 waffling on the issue. The minute the Government gets up and
20 says -- I'm not saying they will, but the minute the
21 Government gets up and says bringing drugs into your
22 communities and your children and everybody else, now she's
23 off, she's done. That could potentially affect her fairness.
24 I don't think we should be risking that. She really couldn't
25 figure it out. We think it's a cause challenging.

Jury Selection

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1 MS. KOMATIREDDY: We disagree, Your Honor. I think
2 everyone is against drugs being sold to children. Every
3 single person on the jury, we would hope, holds that view.

4 The question is, in this case, what is disputed is
5 whether the defendant was involved in assisting drug
6 traffickers. And, so, I think Your Honor got to it at the
7 last question you asked or a further follow-up question may be
8 necessary on that, but I think the question is this is not
9 about whether drugs are bad, giving drugs to children is bad;
10 this is about whether the defendant was involved in assisting
11 or facilitating that, and that's an open question for the jury
12 to decide.

13 I think when the Court asked the juror that question
14 at the end, she definitely nodded. If we're just talking
15 about the facts of this case and looking at whether the
16 defendant is guilty of the things he is accused of, then she
17 could be fair.

18 MR. DE CASTRO: Judge --

19 THE COURT: Yes.

20 MR. DE CASTRO: -- the Government's witnesses are
21 going to be drug -- most of them are drug importers. They are
22 narcotic dealers, cooperators, whatever, huge ones, making
23 tons of money selling drugs in our communities, selling that
24 ultimately gets to, arguably, children, and whatever. I just
25 -- this is in this juror's head back and forth. I deal with

Jury Selection

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1 kids. She is a social worker in the schools. She has her
2 boyfriend that is a prosecutor. I just think she's a clear
3 cause challenge.

4 THE COURT: So I did try to probe with this juror as
5 much as possible and each time she said that she could be
6 fair. She was forthright in telling us what is in her head
7 and what she sees in her work and the concerns she has, but
8 each time I asked if she could be fair, she said she could be
9 fair. If there are any follow-up questions you wanted me to
10 ask, I could certainly ask them, but I think that I tried to
11 get that.

12 MR. DE CASTRO: No. I think you were thorough, but,
13 you know, ultimately she said I could try, then you probed,
14 and oh, yes, I could be fair. But then you started talking
15 about children. Then, oh, wait, I can't be fair. And then
16 ultimately she said well, if you tell me that, then that's
17 okay.

18 If the Government is not going mention a child or a
19 community, then I think we're good. I doubt that's happening.
20 I have a feeling they may be arguing that the scores of drugs,
21 how it affects our community, how it affects our schools, how
22 it affects everything, I think that is too much for this
23 juror. That's my record.

24 THE COURT: I could ask her more specifically even
25 if somebody said at trial the affects on community, could you

Prospective Juror No. 13

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1 be fair.

2 MR. DE CASTRO: Sure.

3 THE COURT: Do you want to have that follow up?

4 MR. DE CASTRO: Yes.

5 THE COURT: Okay. You can bring Juror No. 13 back.

6 Hold on one sec. You can have Juror No. 13 come back, please.

7 MS. KOMATIREDDY: Your Honor, likewise, we would
8 request that the Court ask -- putting -- the question in this
9 case is not whether drugs are good or bad for children; the
10 question is whether the defendant was involved in trafficking
11 drugs.

12 THE COURT: Right. While we are waiting for that
13 juror, do you have thoughts on Juror No. 14?

14 I think Juror No. 13 is back.

15 (Prospective Juror No. 13 enters.)

16 THE COURT: Hi, Juror No. 13. We had just a few
17 follow-up questions.

18 So I wanted to make sure that you understood that
19 the trial is not going to be about whether drugs are good or
20 bad; it's going to be about whether this particular individual
21 was involved in drug trafficking.

22 Do you think you could be fair in focusing on this
23 trial?

24 THE PROSPECTIVE JUROR: Yes.

25 THE COURT: All right. And you talked about how you

Prospective Juror No. 13

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1 could see the affects on drugs on the community. If, in the
2 course of the trial, someone were to make a comment about
3 drugs are devastating our communities, it's bad for our
4 children, do you think that would affect your ability to be
5 fair in this case?

6 THE PROSPECTIVE JUROR: I think I would agree with
7 the statement.

8 THE COURT: Right.

9 THE PROSPECTIVE JUROR: I guess that would affect my
10 decision.

11 THE COURT: Okay. So, if you were to agree with
12 that statement --

13 THE PROSPECTIVE JUROR: Uh-hum.

14 THE COURT: -- would it then lead you to agree with
15 the statement that this person is therefore guilty of the
16 crimes charged or are they two separate things?

17 THE PROSPECTIVE JUROR: Well, they would be separate
18 things.

19 THE COURT: So if a person said drugs are having a
20 terrible affect on our community, including our children and
21 you agreed with it, would it lead you to, therefore, accept
22 all the other things that that person said or would you assess
23 the other things that that person said just the way you would
24 anybody else?

25 THE PROSPECTIVE JUROR: Right. Then I would be able

Prospective Juror No. 13

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1 to assess it separately. I think the statement can be true,
2 but that doesn't necessarily mean that the person is doing
3 that, I guess.

4 THE COURT: Okay. So, again, you said that you
5 would agree with that statement --

6 THE PROSPECTIVE JUROR: Uh-hum.

7 THE COURT: If a witness, for example, made that
8 statement and you agreed with it, would you then agree with
9 everything else that the witness said or would you be
10 assessing what the witness said -- each thing what the witness
11 said to assess whether you accept it or not?

12 THE PROSPECTIVE JUROR: No. I would be assessing
13 everything they were saying.

14 THE COURT: Thank you. Were there any other
15 follow-up questions you wanted?

16 MR. DE CASTRO: No, Your Honor.

17 THE COURT: Thank you very much for coming back.

18 THE PROSPECTIVE JUROR: Okay.

19 (Prospective juror 13 exits.)

20 THE COURT: So, for Juror No. 14, what questions
21 would you like me to focus on?

22 MR. DE CASTRO: I have 49, 58, 66, and 70.

23 MS. KOMATIREDDY: And as well as 62-C for us, Your
24 Honor.

25 THE COURT: Okay. Juror No. 14.

Prospective Juror No. 14

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1 (Prospective Juror No. 14 enters.)

2 THE COURT: Hi, Juror No. 14.

3 THE PROSPECTIVE JUROR: Hi.

4 THE COURT: You can come up here and put your coat
5 down if you'd like. How are you doing?

6 THE PROSPECTIVE JUROR: I'm okay. How are you?

7 THE COURT: Good. Thank you.

8 I had some follow-up questions for you based on the
9 answers you gave on the questionnaire.

10 THE PROSPECTIVE JUROR: Okay.

11 THE COURT: I'll start with your statement that you
12 would need to work in the operation and Fridays to keep up
13 with your work. Can you tell us about that?

14 THE PROSPECTIVE JUROR: Yes. So I am the head of an
15 HR department for a global company and if I'm not there,
16 unfortunately, it will be really difficult for my team and the
17 company to move forward with personnel things. It's also the
18 timeframe for our annual compensation, so all the employees,
19 it would be difficult for them, so I would have to work
20 evenings or weekends to keep up with that.

21 I actually have a letter from my employer, my boss
22 about that. I'm not sure if I should give that to you.

23 THE COURT: You can hold on to that for now.

24 Okay. You said you would have to work on Fridays.

25 The Court doesn't sit on Fridays, so you could work Fridays

Prospective Juror No. 14

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1 even if you were a juror?

2 THE PROSPECTIVE JUROR: Yes. Yes.

3 THE COURT: Okay. And then on the evenings and the
4 weekends, could you work on the weekends?

5 THE PROSPECTIVE JUROR: I mean, it would be
6 extraordinarily stressful to work a full day after a full day
7 of jury duty for that amount of time especially.

8 THE COURT: Right. But could you do it if you had
9 to?

10 THE PROSPECTIVE JUROR: No, I mean.

11 THE COURT: No?

12 THE PROSPECTIVE JUROR: I don't know how -- I mean,
13 will I live? Sure. But it will be really difficult, yeah.

14 THE COURT: All right. So let me ask a couple of
15 other follow-up questions. One of the questions you said that
16 the case sounds intimidating.

17 THE PROSPECTIVE JUROR: Uh-hum.

18 THE COURT: Tell me about that.

19 THE PROSPECTIVE JUROR: Just seeing some of the
20 names on the list in the questionnaire and just reading a
21 little bit about the case and what it's about, it's surely
22 intimidating. Yeah.

23 THE COURT: How would that affect your ability to be
24 fair?

25 THE PROSPECTIVE JUROR: I don't know.

Prospective Juror No. 14

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1 THE COURT: Would it?

2 THE PROSPECTIVE JUROR: I don't know. I don't know
3 how it would. I've clearly never been in this situation
4 before and the intimidation is definitely from reading what I
5 read in the questionnaire.

6 I don't know for sure if it would influence my
7 ability, but I know how I feel now.

8 THE COURT: Yes.

9 THE PROSPECTIVE JUROR: And how I felt when I was
10 reading about the questions on the questionnaire. That's
11 something to consider I guess for myself.

12 THE COURT: Right. Well, I know the case has gotten
13 a lot of attention and based on what you have heard about it,
14 you used the word intimidating.

15 THE PROSPECTIVE JUROR: Yes.

16 THE COURT: Under the circumstances, could you still
17 be fair and sit and listen as a juror and render a verdict
18 just based on the evidence you heard one way or the other?

19 THE PROSPECTIVE JUROR: I don't know for sure, but I
20 would try.

21 THE COURT: What is your hesitation?

22 THE PROSPECTIVE JUROR: I guess just whenever any
23 person is intimidated or scared it does influence how they
24 apply their judgement. And so that I just assume on a basic
25 level, you know, that I would not be absent from that kind of

1 reaction.

2 THE COURT: So based on what you're feeling now, do
3 you already feel like you want to render a verdict one way or
4 the other or you don't know because you haven't heard the
5 evidence?

6 THE PROSPECTIVE JUROR: The second, yeah.

7 THE COURT: As you were sitting in the trial, do you
8 think you could focus on assessing the evidence as presented
9 to you and applying the law?

10 THE PROSPECTIVE JUROR: I honestly don't know --
11 sorry to interrupt.

12 THE COURT: Go ahead.

13 THE PROSPECTIVE JUROR: I honestly don't know if I
14 could, especially just reading in the questionnaire and then
15 kind of thinking of how I might feel, like, actually in the
16 room with the person. I don't know how that would impact my
17 ability to focus on it one way or the other, yeah.

18 THE COURT: Well, you're in the room right now with
19 the defendant.

20 THE PROSPECTIVE JUROR: Good to know.

21 THE COURT: How do you feel?

22 THE PROSPECTIVE JUROR: I didn't know that.

23 THE COURT: How do you feel?

24 THE PROSPECTIVE JUROR: A little intimidated.

25 THE COURT: The question is being in this courtroom,

Prospective Juror No. 14

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1 it's a federal court, and, you know, those kinds of things can
2 be intimidating.

3 THE PROSPECTIVE JUROR: Right.

4 THE COURT: And it's not a normal thing for
5 non-lawyers. But the question is whether you can focus on
6 your job as a juror?

7 THE PROSPECTIVE JUROR: I would hope so for sure.

8 THE COURT: And whether you could be fair and not
9 immediately decide one way or the other, or that, in the
10 course of the trial, you might feel like I better render a
11 verdict this way rather than the other way because of some
12 fear you have. I'm just trying to assess that.

13 THE PROSPECTIVE JUROR: Yeah. Being honest, I would
14 certainly try to be fair and, you know, assess the evidence.
15 I think that, like, any person who read the words like -- I
16 shouldn't speak for any person. When I read the word cartel
17 and just reading, and movies, and television, and books,
18 things like that, it's a little scary to be involved, but I
19 certainly would try to do my duty.

20 MR. DE CASTRO: Your Honor, we have no objection.

21 THE COURT: All right. So thank you for being so
22 open with us. You're excused.

23 THE PROSPECTIVE JUROR: Thank you.

24 THE COURT: Why don't you go down to the second
25 floor.

Prospective Juror No. 15

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1 (Prospective juror 14 exits.)

2 THE COURT: Juror No. 15. Are there any questions
3 you want me to focus on?

4 MR. DE CASTRO: I have -- what do you think? I have
5 43, 44, 69, 70 and 71.

6 THE COURT: Okay. For the Government?

7 MS. KOMATIREDDY: That's what we have too, Your
8 Honor.

9 THE COURT: Great. Juror No. 15.

10 (Prospective Juror No. 15 enters.)

11 THE COURT: Hi, Juror No. 15. You can come up to
12 the podium. Put your coat down if you'd like.

13 How are you?

14 THE PROSPECTIVE JUROR: Good.

15 THE COURT: Good. So I wanted to follow up with a
16 couple of answers you gave, and I'll start with your answer
17 that your employer may have a problem with you missing work.

18 THE PROSPECTIVE JUROR: Yes.

19 THE COURT: Can you tell us about that?

20 THE PROSPECTIVE JUROR: Yes. So my former boss just
21 quit last week so I'm taking over his position and because the
22 trial would be so long, it might be a problem.

23 THE COURT: Is -- will there be a replacement for
24 the person who quit?

25 THE PROSPECTIVE JUROR: I would be the replacement.

Prospective Juror No. 15

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1 THE COURT: Okay. Is there somebody who would do
2 your job?

3 THE PROSPECTIVE JUROR: No.

4 THE COURT: How big is the company that you work
5 for.

6 THE PROSPECTIVE JUROR: About, over 100 people.

7 THE COURT: Out of those 100 people, there's nobody
8 who could cover four?

9 THE PROSPECTIVE JUROR: No, I'm in a small
10 department. There's only three people. Well, two now.

11 THE COURT: You said you weren't hire if you would
12 be paid your salary.

13 THE PROSPECTIVE JUROR: Correct.

14 THE COURT: Do you know if you could find out?

15 THE PROSPECTIVE JUROR: I could, yeah.

16 THE COURT: Would it makes a difference, if you were
17 paid your salary, would you be able to sit during the trial?

18 THE PROSPECTIVE JUROR: Yes.

19 THE COURT: Even though it would be a hardship for
20 your employer, you could still do it?

21 THE PROSPECTIVE JUROR: Yes, that's fine.

22 THE COURT: Is there any reason you couldn't be fair
23 and impartial if you were picked as a juror?

24 THE PROSPECTIVE JUROR: No.

25 THE COURT: Then you also talked about how your

Prospective Juror No. 15

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1 father was a correctional officer in the '90s.

2 THE PROSPECTIVE JUROR: Yes.

3 THE COURT: So do you think the fact that your --
4 did your father talk about work?

5 THE PROSPECTIVE JUROR: No, I was like two when he
6 was a correction officer. I knew nothing about any of that.

7 THE COURT: Even once you grew up, did he talk about
8 it?

9 THE PROSPECTIVE JUROR: No. He went to work for
10 Sanitation. When I grew up that was his job. He worked for
11 Sanitation.

12 THE COURT: And the fact that there's law
13 enforcement in your background, would that affect your ability
14 to be fair and impartial in this case?

15 THE PROSPECTIVE JUROR: Yes.

16 THE COURT: You also said you had an uncle that was
17 incarcerated in the early '90s?

18 THE PROSPECTIVE JUROR: Yes.

19 THE COURT: Would that fact that you had that family
20 connection affect your ability to be fair in a criminal case?

21 THE PROSPECTIVE JUROR: Yes.

22 THE COURT: So you think you cd be fair and
23 impartial in this case?

24 THE PROSPECTIVE JUROR: Correct.

25 THE COURT: Great. Any follow up?

Prospective Juror No. 15

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1 MR. DE CASTRO: No. I guess just find out the pay
2 issue.

3 THE COURT: Okay. So could you find out sometime
4 today?

5 THE PROSPECTIVE JUROR: Yes.

6 THE COURT: Just call your employer and find out if
7 you would get paid to serve on this jury?

8 THE PROSPECTIVE JUROR: Yes.

9 THE COURT: Okay. Thank you.

10 (Prospective juror 15 exits.)

11 THE COURT: Juror No. 17. I have question 49, the
12 juror says I fully support NYPD.

13 MR. DE CASTRO: Yes. And I had 71, too, which I
14 think is the pay question.

15 THE COURT: The juror also said there is a problem
16 understanding English, so I think I will also ask about that.
17 Anything else?

18 MS. KOMATIREDDY: Your Honor, this is the individual
19 who --

20 THE COURT: Juror No. 17.

21 MS. KOMATIREDDY: Right. With respect to the
22 English, they have been in this country for something like 12
23 years.

24 THE COURT: The answers indicated a proficiency,
25 since the question was checked off yes, I thought I would ask.

Prospective Juror No. 17

71

1 MS. KOMATIREDDY: The only follow up would be --
2 never mind, it's fine.

3 THE COURT: All right. Juror No. 17.

4 (Prospective Juror No. 17 enters.)

5 THE COURT: Step up to the podium. You can put your
6 coat down on the chair if you'd like.

7 How are you doing?

8 THE PROSPECTIVE JUROR: Good. Thank you.

9 THE COURT: Good. I wanted to just ask a couple of
10 follow-up questions. You mentioned that you are not sure if
11 you would get paid by your employer. Do you know? Have you
12 been able to find out if you were to get paid?

13 THE PROSPECTIVE JUROR: I don't know how many days
14 do I get paid.

15 THE COURT: Is there a way for you to find out if
16 you would get paid for the full time?

17 THE PROSPECTIVE JUROR: I know I get paid full-time,
18 but I don't know how long, how many weeks.

19 THE COURT: I see. Can you ask?

20 THE PROSPECTIVE JUROR: Yeah, I can ask.

21 THE COURT: And you said that you have some concern
22 with your English ability?

23 THE PROSPECTIVE JUROR: I'm not very fluently in the
24 legal words.

25 THE COURT: All right. Well, the lawyers will do

Prospective Juror No. 17

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1 their very best to speak in regular English and explain any
2 legal terms. Do you think you could do that?

3 THE PROSPECTIVE JUROR: Yes.

4 THE COURT: Do you think you can follow?

5 THE PROSPECTIVE JUROR: I'll try.

6 THE COURT: And you use English in your work, right?

7 THE PROSPECTIVE JUROR: Yeah.

8 THE COURT: So you're fine. And your answers on the
9 questionnaire, did you have any problems filling out the
10 questions?

11 THE PROSPECTIVE JUROR: No.

12 THE COURT: Very good.

13 You also said that you fully support the NYPD?

14 THE PROSPECTIVE JUROR: Yes.

15 THE COURT: Can you tell us about that?

16 THE PROSPECTIVE JUROR: I support NYPD for the great
17 job they do for our city, and I grew up in military family and
18 that's the reason I would like -- I support them.

19 THE COURT: All right. Does it mean that if an NYPD
20 officer or other law enforcement officer testified you would
21 definitely believe them or would you listen to that witness'
22 testimony just like anybody else?

23 THE PROSPECTIVE JUROR: I would listen --

24 THE COURT: Okay.

25 THE PROSPECTIVE JUROR: -- testimony.

Prospective Juror No. 17

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1 THE COURT: And if you thought that their testimony
2 was not credible, would you be able to find them not
3 credible --

4 THE PROSPECTIVE JUROR: Yes.

5 THE COURT: -- or would you support them anyway?

6 THE PROSPECTIVE JUROR: No, I would not -- I mean, I
7 would look at the proofs, the facts.

8 THE COURT: Okay. Great.

9 And given that you support the NYPD, does that mean
10 that you would -- could you be fair to a defendant who is
11 accused of a crime but is presumed innocent?

12 THE PROSPECTIVE JUROR: Yeah.

13 THE COURT: You could be fair?

14 THE PROSPECTIVE JUROR: Yeah.

15 THE COURT: Could you be fair to both sides, both
16 the defendant and the prosecution?

17 THE PROSPECTIVE JUROR: Yes.

18 THE COURT: Do you have any concerns about being a
19 fair and impartial juror?

20 THE PROSPECTIVE JUROR: No.

21 THE COURT: All right. Great. Any questions?

22 Thank you very much.

23 THE PROSPECTIVE JUROR: Thank you.

24 THE COURT: Why don't you go back to the jury room.

25 (Prospective juror 17 exits.)

Jury Selection

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1 THE COURT: Do the parties want a break? We've been
2 going a full morning.

3 MR. DE CASTRO: Sure.

4 THE COURT: Let's take a 10-minute break just to
5 stretch and get a glass of water. Thank you.

6 (Recess taken.)

7 (Continued on next page.)

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Jury Selection

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1 THE COURTROOM DEPUTY: Back on the record for jury
2 selection.

3 THE COURT: All right, everyone. Before we bring in
4 Juror No. 18, I want to see if anybody had any discussions for
5 cause strikes that we can bring up now.

6 MS. KOMATIREDDY: 24, Your Honor.

7 THE COURT: 24 what?

8 Did you mean the question for Juror No. 18.

9 MS. KOMATIREDDY: That's what I meant.

10 But Your Honor asked about the cause strikes from
11 the morning, Your Honor?

12 THE COURT: Yes. Or we could do that later.

13 MS. KOMATIREDDY: Whatever you prefer, we can do.

14 THE COURT: I mean, if you're ready to talk about it
15 now, we have a break. But if you're not prepared --

16 MR. DE CASTRO: We prefer to just keep going.

17 THE COURT: Okay.

18 Mr. De Castro, do you have any questions you want to
19 ask this juror, 24?

20 MR. DE CASTRO: 18, I think there was just 71, which
21 was the pay, I think.

22 THE COURT: Okay. Great.

23 Number 18.

24 MS. KOMATIREDDY: Just to be clear, your Honor, 24
25 is just an excuse to talk to him. Otherwise --

Prospective Juror No. 18

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1 THE COURT: We never need an excuse. I can always
2 talk to them about fairness.

3 Well, the pay, this individual is retired, so I
4 think --

5 MR. DE CASTRO: Yes, Judge. I was looking at a
6 different number. My apologies.

7 THE COURT: That's okay.

8 (Prospective Juror No. 18 enters.)

9 THE COURT: Good morning, Juror No. 18. Come on up
10 to this podium, please. Put your coat on the chair. That's
11 fine.

12 How are you doing?

13 THE PROSPECTIVE JUROR: I'm good. Thank you.

14 THE COURT: So I wanted to see if you had anything
15 you wanted to let the Court know about that we did not ask on
16 the questionnaire.

17 THE PROSPECTIVE JUROR: The only thing I can think
18 of is, you know, for the nature of the trial, safety.

19 THE COURT: Okay. And do you think that any -- I
20 mean, we would do the best we can in terms of providing for
21 the safety and security of all the people involved in the
22 case.

23 Do you think your concern about the safety would
24 affect your ability to be fair and impartial?

25 THE PROSPECTIVE JUROR: I don't think it would

Prospective Juror No. 18

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1 affect my ability to be fair. It's just, you know, sometimes
2 you're talking about bad people.

3 THE COURT: All right. Well, you know, that's
4 understandable. People read, you know, certain things.

5 THE PROSPECTIVE JUROR: Read, movies. We're all
6 human.

7 THE COURT: Sure. Yes, yes.

8 And like I said, the Court will do what it can. You
9 have seen all the security measures in place here. And as we
10 move along, there will be additional security measures taken.

11 But could you set aside those concerns and be fair
12 and impartial and render a just verdict?

13 THE PROSPECTIVE JUROR: Yes.

14 THE COURT: And you talked about bad people, but in
15 this case the defendant is presumed innocent.

16 THE PROSPECTIVE JUROR: I understand.

17 THE COURT: Could you accept that?

18 THE PROSPECTIVE JUROR: Yes.

19 THE COURT: Okay. You mentioned that you had
20 traveled to Mexico. Does the fact that you've been to Mexico
21 make any difference to you in terms of being able to serve on
22 this jury?

23 THE PROSPECTIVE JUROR: No, not at all.

24 I've been three times to Mexico.

25 THE COURT: Okay. Great.

Prospective Juror No. 19

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1 THE PROSPECTIVE JUROR: Had a good time each time.

2 THE COURT: And you're retired; is that right?

3 THE PROSPECTIVE JUROR: I am.

4 THE COURT: So is there any reason at all that you
5 could not be fair and impartial if you were picked as a juror?

6 THE PROSPECTIVE JUROR: No.

7 THE COURT: Any followup questions?

8 MR. DE CASTRO: No, Judge.

9 THE COURT: Thank you very much.

10 Go back to the other room, please.

11 (Prospective Juror No. 18 exits.)

12 THE COURT: Juror No. 19. I have 52, that the juror
13 may have read or heard something about the case, 54, 55 and
14 69.

15 Anything else?

16 MS. KOMATIREDDY: That's what we had, Your Honor.

17 THE COURT: Okay. Great.

18 Juror No. 19.

19 (Prospective Juror No. 19 enters).

20 THE COURT: You can come up to the podium, please.

21 This one here. And if you want to put your bag on
22 that chair, feel free.

23 How are you doing?

24 THE PROSPECTIVE JUROR: Good.

25 THE COURT: All right. We have just a couple of

Prospective Juror No. 19

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1 followup questions for you based on the answers you gave on
2 the questionnaire, and I will start with your answer about any
3 hardship.

4 You said that you're caring for an elderly parent.
5 Can you tell us about that?

6 THE PROSPECTIVE JUROR: Yeah. So basically my dad
7 had a stroke and he's not that good on his left side. So
8 generally if he needs anything, I'm there to kind of help him
9 out.

10 THE COURT: Okay. And how often does that happen?

11 THE PROSPECTIVE JUROR: I would say sometimes, here
12 and there. Not that often, but you know.

13 THE COURT: All right. And if you are at work --
14 you're working, right?

15 THE PROSPECTIVE JUROR: Yeah.

16 THE COURT: When you're at work, what happens when
17 he needs help?

18 THE PROSPECTIVE JUROR: I'm hybrid, so sometimes I
19 stay home. And then there are times when I'm not home, then I
20 have my brother to kind of help out also.

21 THE COURT: Okay. So if you were picked as a juror
22 in this case, could your brother help out if your father
23 needed help?

24 THE PROSPECTIVE JUROR: Yeah.

25 THE COURT: All right. Great. Thank you for

Prospective Juror No. 19

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1 letting us know about that.

2 You also indicated that you may have heard or read
3 something about this case about the -- you didn't tell us what
4 it is, so can you tell us a little bit about what you may have
5 heard about this case?

6 THE PROSPECTIVE JUROR: I'm sorry, I don't know --

7 THE COURT: Let me see.

8 The question was that you said that there was
9 information -- it's a little confusing because the way the
10 question was asked. But the question was whether you had read
11 or heard anything about this case and you said no.

12 THE PROSPECTIVE JUROR: Yeah.

13 THE COURT: But then you said -- the question was
14 would information you heard or read about the case affect your
15 ability to be fair and impartial and you said yes. And so --

16 THE PROSPECTIVE JUROR: Oh. Oh, okay.

17 THE COURT: I wasn't sure if that meant you did
18 hear --

19 THE PROSPECTIVE JUROR: No, I don't know anything
20 about this case.

21 THE COURT: You don't know anything about this case?

22 THE PROSPECTIVE JUROR: Yeah.

23 THE COURT: Okay. And then you were asked how
24 closely you follow media coverage of allegations of corruption
25 in the Mexican government. You said not too closely. And

Prospective Juror No. 19

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1 then the followup was, is there anything about that coverage
2 that would prevent you from being fair and you said yes. So
3 then, again, I wasn't sure if you were following information
4 about corruption in the Mexican government and how much
5 because you said it would affect your ability to be fair.

6 THE PROSPECTIVE JUROR: Yes. So the -- I don't know
7 anything about this case, first of all.

8 But like yes, I do go on, like, the internet and I
9 do see, like, oh, how corruption in Mexico is kind of like
10 rampant, so that's what I mean. Yeah.

11 THE COURT: Okay. So there will be evidence in this
12 case likely that touches on corruption in the Mexican
13 government. But if you're a juror, you wouldn't be making a
14 decision about all corruption. You would be focused on the
15 allegations in this case against the defendant.

16 So could you be fair and focus on the evidence in
17 this case and render a just verdict?

18 THE PROSPECTIVE JUROR: Yes.

19 THE COURT: Okay. Thank you.

20 So then you were asked about whether you had any
21 personal feelings about the U.S. Government's prosecution of
22 someone whose alleged conduct mainly occurred outside the U.S.
23 and you said that you believe the U.S. Government's
24 prosecution is justified if the defendant is dealing with
25 drugs.

Prospective Juror No. 19

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1 So can you talk a little bit more about that?

2 THE PROSPECTIVE JUROR: Yes. I assume there's a
3 reason why they got caught by the U.S. and if they know
4 they're dealing drugs within the U.S.

5 THE COURT: Right. Okay. Sure.

6 So have you made up your mind about this case
7 already or are you going to keep an open mind and listen to
8 the evidence?

9 THE PROSPECTIVE JUROR: I'll keep an open mind.

10 THE COURT: So you haven't concluded yet whether the
11 person is dealing with drugs or not because you're waiting to
12 hear the evidence; is that right?

13 THE PROSPECTIVE JUROR: Yes, yes.

14 THE COURT: And if the evidence shows beyond a
15 reasonable doubt that he was doing these crimes, then could
16 you render a verdict of guilty?

17 THE PROSPECTIVE JUROR: Yes.

18 THE COURT: And if the government did not prove
19 beyond a reasonable doubt that this defendant did what he's
20 alleged to have done, would you be able to render a verdict of
21 not guilty?

22 THE PROSPECTIVE JUROR: Yes.

23 THE COURT: Is there any reason that you could not
24 be fair and impartial in this case?

25 THE PROSPECTIVE JUROR: I don't have a reason, no.

Prospective Juror No. 19

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1 THE COURT: You would be fair?

2 THE PROSPECTIVE JUROR: Yeah.

3 THE COURT: Okay. And then you were not sure if you
4 would get paid your salary during jury duty.

5 THE PROSPECTIVE JUROR: Yeah. I only -- I spoke
6 with HR and they told me two, three days. I don't know what
7 happens next. So yeah.

8 THE COURT: And so if HR doesn't pay you after three
9 days, what happens?

10 THE PROSPECTIVE JUROR: I don't know. I need to go
11 more into details with them. I'm not sure what will happen,
12 to be honest.

13 THE COURT: Would that create a hardship for you if
14 you weren't paid?

15 THE PROSPECTIVE JUROR: Yes, yes.

16 THE COURT: Okay. And you're sure about that they
17 told you three days and no more?

18 THE PROSPECTIVE JUROR: That's what they say in the
19 manual.

20 THE COURT: That's what it says in the manual?

21 THE PROSPECTIVE JUROR: I will speak with them again
22 just to --

23 THE COURT: Yes. Why don't you talk to somebody and
24 just say you're being considered for a jury trial that could
25 take several weeks, could they pay you if you're picked beyond

Prospective Juror No. 19

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1 three days if you're picked for the jury.

2 THE PROSPECTIVE JUROR: Yeah. Yeah.

3 THE COURT: Okay. Any followup questions?

4 So why don't you find out and then you can let one
5 of the staff, the jury staff know whether you will get paid or
6 not.

7 THE PROSPECTIVE JUROR: Okay, yeah.

8 How can I contact them?

9 THE COURT: Hold on one second.

10 You can tell the jury office on the second floor
11 when you find out and they'll let me know.

12 THE PROSPECTIVE JUROR: Okay. Thank you.

13 THE COURT: Okay. Great. Thank you very much.

14 (Prospective Juror No. 19 exits.)

15 MR. MIEDEL: Your Honor?

16 THE COURT: Yes.

17 MR. MIEDEL: It might just be worth, given what some
18 of the people have said recently, to remind the jurors that
19 this trial is scheduled or expected to last up to eight weeks.

20 THE COURT: Yes.

21 MR. MIEDEL: Because I think there seems to be some
22 confusion amongst people about how long this is actually
23 supposed to go on for.

24 THE COURT: All right. I will do that.

25 The questionnaire said through early March.

Prospective Juror No. 21

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1 MR. MIEDEL: Right.

2 THE COURT: I guess eight weeks makes it a little
3 clearer.

4 MR. DE CASTRO: And I think when they hear weeks,
5 it's one thing. When you say by the way, it's two months,
6 then, like, sometimes it just clicks differently in people's
7 heads, I don't know.

8 THE COURT: Okay. So should I say two months?

9 MR. MIEDEL: Sure.

10 MR. DE CASTRO: Yes, sure. I hear weeks and I say
11 is it three, four, maybe weeks or whatever.

12 THE COURT: So Juror No. 21 had a lot of answers,
13 but let me see what you want me to focus on.

14 MR. DE CASTRO: I had 34, 35, 40, 43, 44, 49, 56,
15 57, 58.

16 MS. KOMATIREDDY: And 42.

17 THE COURT: And 42, all right.

18 MR. DE CASTRO: Just a couple.

19 Okay. Juror No. 21.

20 (Prospective Juror No. 21 enters.)

21 THE COURT: Hi Juror No. 21, come up to the podium,
22 please. This one here.

23 And then you can put your -- this one, closer to us.
24 Yes.

25 And you can put your coat and the bag on the chair

Prospective Juror No. 21

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1 if you'd like.

2 THE PROSPECTIVE JUROR: Thank you.

3 THE COURT: You can also keep your mask on or take
4 it off, whatever you're comfortable with.

5 How are you doing?

6 THE PROSPECTIVE JUROR: I'm great. Thank you.

7 THE COURT: So we had a couple of followup questions
8 based on the answers you gave on the questionnaire.

9 THE PROSPECTIVE JUROR: Yes.

10 THE COURT: I will start with the work that you do.
11 And you mentioned that you are with the MTA Police?

12 THE PROSPECTIVE JUROR: Yes.

13 THE COURT: So the fact that you are, that counts as
14 law enforcement.

15 THE PROSPECTIVE JUROR: Yes.

16 THE COURT: And so the fact that you work for law
17 enforcement, do you think you could be fair and impartial in a
18 case that involves criminal accusations?

19 THE PROSPECTIVE JUROR: I believe so.

20 THE COURT: So do you think when you're assessing
21 the evidence that you'll consider the testimony of law
22 enforcement officers just like any other witness and not give
23 them any special favor?

24 THE PROSPECTIVE JUROR: Yes.

25 THE COURT: And if the evidence proved beyond a

Prospective Juror No. 21

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1 reasonable doubt that this defendant committed the crimes he's
2 alleged to have committed, you would render a verdict of
3 guilty, but if the government did not prove the case beyond a
4 reasonable doubt, that you would be able to render a verdict
5 of not guilty?

6 THE PROSPECTIVE JUROR: Correct.

7 THE COURT: Okay. So you also said that you have an
8 uncle who is in the FBI and a cousin who is a police officer?

9 THE PROSPECTIVE JUROR: Yes.

10 THE COURT: So that also goes to your law
11 enforcement ties.

12 THE PROSPECTIVE JUROR: Yes.

13 THE COURT: Do you think that affects your ability
14 to be fair in this case?

15 THE PROSPECTIVE JUROR: No, it does not.

16 THE COURT: And you also said that six years ago you
17 reported an assault to the police and the person was not
18 caught.

19 Does that affect your view of the police and law
20 enforcement and justice?

21 THE PROSPECTIVE JUROR: No.

22 THE COURT: You also said that you or someone you
23 know had some police contact and you said that that also would
24 not affect your ability to be fair; is that correct?

25 THE PROSPECTIVE JUROR: Correct.

Prospective Juror No. 21

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1 THE COURT: You said you had a brother who was
2 incarcerated 30 years ago for drug possession.

3 Does that affect your ability to be fair?

4 THE PROSPECTIVE JUROR: No, it does not.

5 THE COURT: Okay. And you mentioned, in answer to
6 one of the questions, that you believe law enforcement
7 officers are hard-working individuals that put their lives on
8 the line every day to protect and serve us.

9 THE PROSPECTIVE JUROR: I do.

10 THE COURT: So given that view, do you think you
11 could be fair and impartial when one side involves law
12 enforcement and the other side is not?

13 THE PROSPECTIVE JUROR: Yes.

14 THE COURT: So you would treat both sides equally
15 and not favor one or the other?

16 THE PROSPECTIVE JUROR: That's correct.

17 THE COURT: Okay. And you said that you believed
18 that hard drugs should not be legal and you have seen people
19 who have used drugs do well and also drop out of school and
20 have some negative consequences.

21 So do you think your views on the harms of drugs
22 would affect your ability to be fair in a case that involves
23 drug trafficking?

24 THE PROSPECTIVE JUROR: No, I do not.

25 THE COURT: Is there any reason you would not be

Prospective Juror No. 21

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1 fair and impartial if you were picked as a juror in this case?

2 THE PROSPECTIVE JUROR: I wouldn't know.

3 THE COURT: You wouldn't know?

4 THE PROSPECTIVE JUROR: Uh-uh.

5 THE COURT: So tell me what your concerns are about
6 your ability to be fair.

7 THE PROSPECTIVE JUROR: I just will base my judgment
8 based on the evidence, what's in hand and what can be proven.
9 And that's all I can really say.

10 THE COURT: Okay. Great.

11 And we want jurors who are fair and who will listen
12 to the evidence and judge it, and so that is why we are asking
13 the questions about whether you can be fair.

14 THE PROSPECTIVE JUROR: Yes.

15 THE COURT: Let me ask you again. Given your law
16 enforcement ties and background, if there were a witness who
17 was a law enforcement officer, would you automatically believe
18 the person or do you think you could be fair and --

19 THE PROSPECTIVE JUROR: I can be fair.

20 THE COURT: Okay. And if the government did not
21 prove its case beyond a reasonable doubt, would you be able to
22 render a verdict of not guilty?

23 THE PROSPECTIVE JUROR: Yes, I can.

24 THE COURT: Any followup questions?

25 MS. KOMATIREDDY: May we have a brief sidebar?

Sidebar

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1 THE COURT: Okay.

2 (The following occurred at sidebar.)

3 MS. KOMATIREDDY: Your Honor described the case as
4 one where law enforcement is on one side and the other side is
5 not. I just wanted to alert to the fact that the defendant is
6 a former law enforcement officer.

7 THE COURT: Okay.

8 MS. KOMATIREDDY: I just wanted to in case that
9 affected Your Honor's question. I wanted to make sure.

10 I don't think that there's any followup required. I
11 just want to make sure I corrected the record.

12 THE COURT: Yes. I wasn't focused on that.

13 Is there a curative question that I can ask?

14 MS. KOMATIREDDY: No, Your Honor. I don't think
15 it's necessary.

16 MR. DE CASTRO: You could say people who are in law
17 enforcement, if you know this case involves someone who was in
18 law enforcement, do you have any particular views about
19 corruption or anything like that.

20 THE COURT: Corruption in law enforcement?

21 MR. DE CASTRO: Mm-hm.

22 THE COURT: Okay.

23 MR. DE CASTRO: That makes sense.

24 MS. REID: Yes, I think that's fine.

25 THE COURT: Thank you.

Prospective Juror No. 21

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1 (Sidebar ends.)

2 THE COURT: All right, Juror No. 21. I just had a
3 followup question.

4 We talked a lot about people in law enforcement and
5 I wanted to see if you had any views or opinions about
6 corruption in law enforcement or by people in law enforcement
7 that would affect your ability to be fair in this case.

8 I talked a little bit earlier about law enforcement
9 and I made it sound as if it's law enforcement on one side and
10 non-law enforcement on the other side, but this case may
11 involve people who were in law enforcement and are accused of
12 committing crimes. So I just wanted to see whether that would
13 affect your ability to be fair in this case.

14 THE PROSPECTIVE JUROR: Yes, I can be fair.

15 THE COURT: Okay. Great. I just wanted to clarify
16 that.

17 THE PROSPECTIVE JUROR: Okay.

18 THE COURT: Thank you very much.

19 THE PROSPECTIVE JUROR: Thank you.

20 THE COURT: You can go back into the jury room
21 across the hall.

22 (Prospective Juror No. 21 exits.)

23 THE COURT: For Juror No. 22 we, can talk about the
24 hardship question about childcare.

25 What else would you like me to focus on?

Prospective Juror No. 22

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1 MR. DE CASTRO: I have 47, 56, and 58.

2 THE COURT: Okay.

3 MS. KOMATIREDDY: And I have 42 and 43.

4 THE COURT: Okay. So we will start with 69.

5 Juror No. 22, please.

6 (Prospective Juror No. 22 enters.)

7 THE COURT: Hi, Juror No. 22.

8 THE PROSPECTIVE JUROR: Yes.

9 THE COURT: Step right up to the podium, please.

10 And we had a couple of questions about the answers
11 that you gave on your questionnaire.

12 THE PROSPECTIVE JUROR: Sure.

13 THE COURT: The first thing I want to ask is about
14 your answer to the hardship question.

15 THE PROSPECTIVE JUROR: Yes.

16 THE COURT: You talked about child care.

17 THE PROSPECTIVE JUROR: Yes. I have a seven-year
18 old daughter who I pick up from school every day. And if the
19 trial goes until 4:30 every day, I won't make it there.

20 THE COURT: And there is no one else who can do
21 that?

22 THE PROSPECTIVE JUROR: No.

23 THE COURT: You don't have any other family members?

24 THE PROSPECTIVE JUROR: No. My mom is gone and my
25 mother-in-law is already raising my sister-in-law's three

Prospective Juror No. 22

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1 children.

2 THE COURT: And you couldn't get a babysitter or a
3 neighbor?

4 THE PROSPECTIVE JUROR: I'm actually picking my
5 daughter up at aftercare at that point, which is also 4:30 in
6 the afternoon. So school ends for her at 3:00. Actually,
7 2:55, and I pick her up at 4:30 when I leave work. And my
8 wife is a nurse and she doesn't get home until 6:00 at night.

9 THE COURT: Right. Okay. So you would need to pick
10 up your daughter at 4:30 every day?

11 THE PROSPECTIVE JUROR: Mm-hm.

12 THE COURT: All right. Thank you for letting us
13 know about that.

14 MR. DE CASTRO: No objection, Judge.

15 MS. KOMATIREDDY: No objection, Judge.

16 THE COURT: So you are excused.

17 THE PROSPECTIVE JUROR: Thank you very much.

18 THE COURT: Thank you very much. Go back down to
19 the second floor.

20 (Prospective Juror No. 22 exits.)

21 THE COURT: Juror No. 23, I will ask about question
22 71, about being paid.

23 MR. DE CASTRO: Yup.

24 THE COURT: And 44. And I think that's it.

25 MR. DE CASTRO: That's what we have.

Prospective Juror No. 23

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1 MS. KOMATIREDDY: 37, Your Honor.

2 THE COURT: 37? You want to know about the prior
3 jury service?

4 MS. KOMATIREDDY: Yes, Your Honor. Thank you.

5 THE COURT: What do you want to know about it?

6 MS. KOMATIREDDY: Just if she could speak about it.
7 It says that there was not a verdict. I'm curious if that was
8 because the case settled and pled out, or just the reason.

9 THE COURT: Okay. So you want to know why there was
10 no verdict?

11 MS. KOMATIREDDY: Right.

12 THE COURT: All right. Juror No. 23, please.

13 (Prospective Juror No. 23 enters.)

14 THE COURT: Good morning, Juror No. 23. You can
15 come right on up to the podium. You can just stand there.
16 You can put your bag on the chair. And you could keep your
17 mask on, if you're more comfortable, or you can take it off.

18 THE PROSPECTIVE JUROR: All right. Sure.

19 THE COURT: So we had a couple of followup questions
20 based on the answers that you gave.

21 And the first is that you said that you weren't sure
22 if you would be paid for jury duty. Can you tell us about
23 that?

24 THE PROSPECTIVE JUROR: Yes. Because the school I
25 work at, I'm not sure if they -- if they're going to count

Prospective Juror No. 23

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1 this as one of my sick days or -- I'm not really sure how it
2 works. I'm not sure.

3 THE COURT: Is it a public school?

4 THE PROSPECTIVE JUROR: No. Private school.

5 THE COURT: So can you find out?

6 THE PROSPECTIVE JUROR: Yes.

7 THE COURT: Why don't you ask them and find out, if
8 you're sitting on a trial for eight weeks, whether they would
9 pay you.

10 THE PROSPECTIVE JUROR: I can ask them whenever I go
11 back up to -- tomorrow, for example, I will ask them about
12 that.

13 THE COURT: Okay. Great.

14 But other than the pay, it would be okay for you to
15 sit on the jury --

16 THE PROSPECTIVE JUROR: Yes.

17 THE COURT: -- for eight weeks?

18 Okay. You also mentioned that you had been on a
19 jury before and that you didn't reach a verdict. Do you know
20 why you didn't? Did you not deliberate or what happened?

21 THE PROSPECTIVE JUROR: No. It was only one day. I
22 was dismissed at the end of the day and they said that's it.

23 THE COURT: I see.

24 So you were an alternate juror?

25 THE PROSPECTIVE JUROR: No.

Prospective Juror No. 23

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1 THE COURT: No?

2 THE PROSPECTIVE JUROR: I'm not sure what's an
3 alternate juror.

4 THE COURT: You said you were dismissed before the
5 trial ended?

6 THE PROSPECTIVE JUROR: No. It was from 8:00 to
7 5:00.

8 THE COURT: Oh. You just came in for jury duty?

9 THE PROSPECTIVE JUROR: Yeah.

10 THE COURT: But you weren't picked for the jury?

11 THE PROSPECTIVE JUROR: No, no.

12 THE COURT: So you never heard evidence?

13 THE PROSPECTIVE JUROR: No.

14 THE COURT: Okay. Great. Thank you for the
15 clarification.

16 You also mentioned you have a brother who applied
17 for the NYPD?

18 THE PROSPECTIVE JUROR: Yeah.

19 THE COURT: And he's currently applying; is that
20 right?

21 THE PROSPECTIVE JUROR: Yeah.

22 And he just got one more step, which is the physical
23 exam, I believe. Yeah. And that's -- I believe that's the
24 last step in the process.

25 THE COURT: So the fact that your brother is

Prospective Juror No. 23

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1 applying to become a police officer, do you think you can be
2 fair to law enforcement and not -- let's put it this way.

3 If a person who testified was a law enforcement
4 officer, would you treat that testimony the same as anybody
5 else or would you automatically believe that person because
6 the witness is law enforcement?

7 THE PROSPECTIVE JUROR: No, I would treat them as
8 everyone else.

9 THE COURT: Treat the same as everyone else?

10 THE PROSPECTIVE JUROR: Yeah.

11 THE COURT: And you would assess their credibility
12 just like anybody else, not just because they're a police
13 officer you would think one way or the other?

14 THE PROSPECTIVE JUROR: Yes.

15 THE COURT: And in a case that involves an
16 accusation by the government and there will be law enforcement
17 witnesses testifying and then the other side is a defendant,
18 would you be fair to both sides?

19 THE PROSPECTIVE JUROR: I would, yes.

20 THE COURT: Okay. Great.

21 Is there any reason you could not be a fair juror in
22 this case?

23 THE PROSPECTIVE JUROR: No.

24 THE COURT: All right. Great.

25 So why don't you find out about whether you will get

Prospective Juror No. 23

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1 paid for those eight weeks, if you got picked to serve on this
2 jury for eight weeks, and let the jury office on the second
3 floor know.

4 THE PROSPECTIVE JUROR: Do I give them a call right
5 now or do I go tomorrow and let you guys --

6 THE COURT: If there is a way for you to call them
7 now and we can get the answer today. But otherwise, you can
8 let them know tomorrow.

9 THE PROSPECTIVE JUROR: Okay. So I'll go to the
10 lobby, get my phone and then come back, you said to the second
11 floor?

12 THE COURT: Okay, yes. Do that, please.

13 THE PROSPECTIVE JUROR: Sure. Thank you.

14 THE COURT: Actually, after you call them, come
15 back, let the people on the second floor -- why don't you come
16 back here and let one of my staff know and they will let me
17 know. You don't have to stop on the second floor.

18 THE PROSPECTIVE JUROR: You said eight weeks, right?

19 THE COURT: Eight weeks, yes.

20 THE PROSPECTIVE JUROR: Okay.

21 THE COURT: Thank you.

22 (Prospective Juror No. 23 exits.)

23 THE COURT: All right. Juror No. 26 gave a lot of
24 "yes" answers.

25 Hardship answers about being paid five days, a

Prospective Juror No. 26

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1 lawyer in a small firm.

2 Has worked for the Innocence Project.

3 Has views on the War on Drugs.

4 Question 49, might have some skepticism about the
5 government.

6 Anything else?

7 MR. DE CASTRO: I have no problem, Judge.

8 THE COURT: All right. Let's bring Juror No. 26 in.

9 MR. DE CASTRO: Judge, I don't have any problem. We
10 have -- I mean, there's so many questions on this, I mean, but
11 the hardship itself, I don't know.

12 MS. KOMATIREDDY: If he has no objection, we don't
13 object to striking.

14 MR. DE CASTRO: No objection.

15 THE COURT: So we'll strike this juror.

16 Let me bring in Juror No. 26 so I can let her know
17 she will be excused.

18 (Prospective Juror No. 26 enters.)

19 THE COURT: Hi. Juror No. 26?

20 THE PROSPECTIVE JUROR: Hi.

21 THE COURT: Hi.

22 Don't bother walking up. You're excused.

23 THE PROSPECTIVE JUROR: Oh, thank you.

24 THE COURT: You can go down to the second floor.

25 (Prospective Juror No. 26 exits.)

Prospective Juror No. 27

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1 THE COURT: So Juror No. 27.

2 MR. DE CASTRO: We have 40, 44, 45, 47, 62. There's
3 some -- the person actually used the explanation sheet, so
4 there's a whole on that.

5 THE COURT: Okay.

6 For the government, anything in particular?

7 Retired, Sanitation Department.

8 All right. Juror No. 27.

9 (Prospective Juror No. 27 enters.)

10 THE COURT: Hi, Juror No. 27. Come up to the
11 podium, please.

12 Right up here.

13 Here, here. Here, sir.

14 THE PROSPECTIVE JUROR: In this one?

15 THE COURT: The podium.

16 THE PROSPECTIVE JUROR: Oh. Oh, okay.

17 THE COURT: Try to make it easy for you.

18 THE PROSPECTIVE JUROR: I didn't know I was going to
19 be a star here.

20 THE COURT: No, that's fine.

21 You can take your mask off if you're more
22 comfortable.

23 So we just have a couple of followup questions for
24 you based on the answers you gave.

25 THE PROSPECTIVE JUROR: Okay. Sure.

Prospective Juror No. 27

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1 THE COURT: And I'll start with the answer that you
2 gave with regard to a cooperating witness. You said you would
3 find it hard to accept only one witness?

4 THE PROSPECTIVE JUROR: Correct.

5 THE COURT: Especially a cooperating witness.

6 Can you tell us about that?

7 THE PROSPECTIVE JUROR: Yes. I just feel like if
8 it's a cooperating witness, from what I recall that would be
9 someone that could have made a deal to testify, so I --
10 basically I just feel that that person could be there for
11 their own purpose. So I feel like I would need a couple of
12 witnesses and I'm a little wary about a cooperating witness.

13 THE COURT: Right, right. Well, you know, there
14 will be many witnesses who testify.

15 THE PROSPECTIVE JUROR: Correct. I can see that
16 from the list.

17 THE COURT: And for every person who testifies,
18 you're supposed to assess the credibility of that witness and
19 among the things you can consider is whether the person has a
20 motive to lie.

21 THE PROSPECTIVE JUROR: Right.

22 THE COURT: And so if you consider that as part of
23 your consideration of a cooperating witness's testimony,
24 that's perfectly fine.

25 THE PROSPECTIVE JUROR: Okay, yes.

1 THE COURT: The only question is -- the law says
2 that testimony of one witness could be enough. It doesn't
3 have to be, but it could be. And so the question is whether
4 you would follow the law.

5 THE PROSPECTIVE JUROR: Yes, I could do that. Yes.

6 THE COURT: Okay. So if there was one witness who
7 was a cooperating witness who testified, would you still
8 require corroborating evidence or could that be enough
9 evidence in your mind?

10 THE PROSPECTIVE JUROR: Well, I guess I don't know
11 if we would be able to find out if -- why they were
12 cooperating. I don't know if that's something that would be
13 made public or to the jurors.

14 THE COURT: Yes, I'm sure the circumstances of that
15 testimony will be a topic of evidence.

16 THE PROSPECTIVE JUROR: Okay.

17 THE COURT: So you would have access to the evidence
18 about the circumstances of the cooperation.

19 THE PROSPECTIVE JUROR: Okay. In that case I think
20 I could be fair.

21 THE COURT: So even if there was only one witness
22 who testified, if you found that witness credible and you
23 found that the government proved its case beyond a reasonable
24 doubt, that would be enough?

25 THE PROSPECTIVE JUROR: I think so.

Prospective Juror No. 27

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1 THE COURT: All right. So then let me ask you about
2 a couple of other things.

3 You said that you had a neighbor who worked for the
4 New York Law Department, you have a friend who was a lawyer,
5 another friend -- or maybe it's the same friend -- a friend
6 who was mugged, and a friend who worked at the Border Patrol
7 and is deceased.

8 THE PROSPECTIVE JUROR: Right.

9 THE COURT: Would any of these ties with law
10 enforcement -- let's start there.

11 Would any ties with law enforcement affect your
12 ability to be fair and impartial?

13 THE PROSPECTIVE JUROR: No, I don't think so. And I
14 think that's what I put on my questionnaire.

15 THE COURT: Okay. And so if there was a witness who
16 was testifying who is law enforcement, would you automatically
17 believe that person or not believe the person just because he
18 or she is law enforcement?

19 THE PROSPECTIVE JUROR: No, I think I would probably
20 treat them the same as I would a cooperating witness. You
21 know, if I felt like they were telling the truth, then, you
22 know, following the law, I feel like I could be impartial.

23 THE COURT: And then as far as your friend who is a
24 lawyer, did you ever talk about criminal law?

25 THE PROSPECTIVE JUROR: No. No, not really.

Prospective Juror No. 27

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1 THE COURT: The question there would be if
2 Judge Cogan instructed you on what the law is and you heard
3 something different from this friend, whether you would follow
4 Judge Cogan's instruction?

5 THE PROSPECTIVE JUROR: No, no, we never discuss --
6 I just know it was family and I know he works for the City Law
7 Department. So yeah, so I never discussed law with him.

8 THE COURT: So you would follow Judge Cogan's
9 instructions?

10 THE PROSPECTIVE JUROR: Yes.

11 THE COURT: Okay. Great.

12 Is there anything that you think the Court should
13 know about that would make you not be fair and impartial?

14 THE PROSPECTIVE JUROR: No.

15 Actually, I just have a question in terms of COVID
16 protocol.

17 THE COURT: Yes.

18 THE PROSPECTIVE JUROR: If I'm selected for the
19 jury, do -- I know in some cases I guess they mandate that you
20 have to wear a mask, so I'm a little concerned about that. So
21 I don't know if that would be something that it would be up to
22 Judge Cogan to decide if people have to wear masks depending
23 where they are. So far -- knock on wood, so far I haven't had
24 COVID. So I'm getting older, so.

25 THE COURT: Sure. And we hope it stays safe and

Prospective Juror No. 27

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1 we're taking a lot of precautions. We ask jurors to have
2 their masks during the jury selection because you're in closed
3 quarters. It will be up to Judge Cogan, but I anticipate that
4 if you have concerns about COVID safety, you can raise them
5 with him.

6 THE PROSPECTIVE JUROR: Okay.

7 THE COURT: Okay?

8 Any other questions?

9 THE PROSPECTIVE JUROR: No, I think that's about it.

10 THE COURT: Wonderful.

11 Any followup?

12 MS. KOMATIREDDY: Page 25, Your Honor.

13 THE COURT: So you also said that you weren't sure
14 why Mr. Luna is being tried in the United States?

15 THE PROSPECTIVE JUROR: Correct.

16 THE COURT: You're assuming he was involved in
17 illegal enterprises while living in the U.S., but you're not
18 sure?

19 THE PROSPECTIVE JUROR: Right. I was just curious.
20 I don't know if that's something that would be part of -- you
21 know, apparently it wasn't on the questionnaire, so I'm just
22 curious. And if you could answer it, you could answer it. If
23 you can't --

24 THE COURT: So you'll hear evidence at trial of
25 where things happened.

Prospective Juror No. 27

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1 THE PROSPECTIVE JUROR: Okay.

2 THE COURT: But whether the case is properly tried
3 in the United States has already been decided that it's proper
4 to be tried here.

5 THE PROSPECTIVE JUROR: Okay.

6 THE COURT: There will be evidence about things that
7 happened in different places. Judge Cogan will instruct you
8 as far as what you need to find in order to, you know, make
9 certain findings in your verdict. So you'll be instructed on
10 that.

11 THE PROSPECTIVE JUROR: Okay.

12 THE COURT: Do you think you could follow that?

13 THE PROSPECTIVE JUROR: Yes, yes. I was just
14 curious.

15 THE COURT: Okay. So whatever Judge Cogan tells
16 you, even if things happened outside of the United States,
17 they might still be properly prosecuted here.

18 THE PROSPECTIVE JUROR: Yes. I'm sure if it's going
19 on here, it must have been okay to...

20 THE COURT: Yes. Okay. So just the jurisdictional
21 question has been decided. The other things will be up to
22 you.

23 THE PROSPECTIVE JUROR: Okay.

24 THE COURT: Okay?

25 Anything else?

Prospective Juror No. 28

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1 Wonderful. Thank you very much. You can have a
2 seat back in the other room.

3 THE PROSPECTIVE JUROR: Okay. In the other room?

4 THE COURT: Yes.

5 THE PROSPECTIVE JUROR: Okay. Thank you.

6 (Prospective Juror No. 27 exits.)

7 THE COURT: Juror 28 also has a lot of answers.

8 Anything you want me to focus on?

9 MR. DE CASTRO: 36, 39, 40, 42, 43, 44, 45, 47. Oh,
10 maybe not 45. 48, 56, 58.

11 THE COURT: Okay. So I'll go through those
12 questions.

13 In the meantime, Juror 23 has an answer, so we will
14 have that juror called back after this one.

15 MS. KOMATIREDDY: Your Honor, on Juror 28, we'd also
16 add 62(b).

17 THE COURT: Yes.

18 Okay. Juror No. 28.

19 (Prospective Juror No. 28 enters.)

20 THE COURT: Hi, Juror No. 28. Come up to this
21 podium. You can put your bag and coat on the chair if you
22 would like.

23 THE COURTROOM DEPUTY: This podium.

24 THE COURT: Overshot. There.

25 Okay. How are you doing?

Prospective Juror No. 28

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1 THE PROSPECTIVE JUROR: Good. Thank you,
2 Your Honor.

3 THE COURT: Good.

4 So we just had a couple of followup questions based
5 on the answers that you gave on the questionnaire.

6 THE PROSPECTIVE JUROR: Sure.

7 THE COURT: You mentioned that you have some family
8 members who are in law enforcement.

9 So my first question is whether you can be fair and
10 impartial to both sides in a criminal prosecution case.

11 THE PROSPECTIVE JUROR: I would hope.

12 THE COURT: You would hope?

13 Do you think you can?

14 THE PROSPECTIVE JUROR: Yeah. I mean, yeah, you
15 know.

16 THE COURT: Do you have any concerns?

17 THE PROSPECTIVE JUROR: I -- well, I have a
18 background in certain things. And, you know, I pride myself
19 on being fair and just, but it doesn't mean that we don't have
20 our own biases. I mean, it seems very black and white, some
21 of the questions, and I don't mean to go into a gray area,
22 but.

23 THE COURT: Sometimes there is a gray area and
24 that's fair. We just want you to be as open with us as
25 possible because it's important to know.

Prospective Juror No. 28

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1 You mentioned that you had been a police officer
2 yourself?

3 THE PROSPECTIVE JUROR: I was.

4 THE COURT: And so do you think, having been a
5 police officer involved in law enforcement, you could be fair
6 in a criminal prosecution where an individual is being accused
7 of --

8 THE PROSPECTIVE JUROR: I would certainly challenge
9 myself to that, yes.

10 THE COURT: Okay.

11 And if there were a witness who were law
12 enforcement, would you give that witness the same weight as
13 witness's testimony -- the same as any other witness or would
14 you give it more weight?

15 THE PROSPECTIVE JUROR: Well, I would find it to be
16 a more informed witness than somebody who didn't have a law
17 enforcement background.

18 THE COURT: All right. But you are only going to
19 hear in court what they testify to.

20 THE PROSPECTIVE JUROR: Right.

21 THE COURT: So would you then believe them more
22 because they're law enforcement?

23 THE PROSPECTIVE JUROR: I'm sorry?

24 THE COURT: Would you believe them more than
25 somebody else who was not law enforcement?

Prospective Juror No. 28

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1 THE PROSPECTIVE JUROR: I don't know if I would
2 believe them more, but I would think that their witnessing
3 would have more information that would be privy to a witness
4 that couldn't have that sort of information.

5 THE COURT: Right.

6 THE PROSPECTIVE JUROR: Yeah.

7 THE COURT: And certainly if they were asked about
8 it, they would tell you what they know and where they got
9 access to that information. But if they weren't asked about
10 it, would you just assume that they knew more?

11 THE PROSPECTIVE JUROR: Yes, I would. Because I
12 think they would be privy to information that somebody
13 wouldn't ordinarily have. At least that's been my -- you
14 know, that's been my experience for people who are in law
15 enforcement.

16 THE COURT: Okay. Thank you for letting us know
17 about that.

18 You also talked about working in the mental health
19 and substance abuse area.

20 THE PROSPECTIVE JUROR: That's right.

21 THE COURT: You would have concerns about sitting in
22 judgment of others?

23 THE PROSPECTIVE JUROR: In something that was a drug
24 case or something that has to do with that, I definitely have
25 certain feelings around that. I have been an LCSW. I'm a

Prospective Juror No. 28

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1 director of a mental health clinic and also substance abuse
2 for over 30 years, so I do have some feelings surrounding
3 things that have to do with drugs. Not that I don't take the
4 individual and make them solely responsible for their own
5 recovery, but I certainly do have certain feelings surrounding
6 the idea of people that flood our streets with drugs, yeah.

7 THE COURT: So you have feelings about drugs and
8 their effect on society --

9 THE PROSPECTIVE JUROR: Right.

10 THE COURT: -- and the harm, as you mentioned, that
11 it causes. Would that affect your ability to be fair in this
12 particular case where an individual has been accused of drug
13 trafficking and being involved in drug trafficking,
14 notwithstanding your general feelings whether you can be fair
15 in this case?

16 THE PROSPECTIVE JUROR: I don't think I could be
17 completely bias -- I mean, completely neutral to something. I
18 mean, I would have my own feelings and I would hope -- and
19 again, to just speak what I said before, I would hope that I
20 could challenge myself to being able to give sort of an
21 evenness, if you will, onto something like that. But I mean,
22 do have certain feelings surrounding just because of the kind
23 of work that I've done and due to the devastation that I've
24 seen especially in and around addictions.

25 THE COURT: Right. Okay. And I know it's a hard

Prospective Juror No. 28

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1 question and I keep asking it.

2 THE PROSPECTIVE JUROR: Right.

3 THE COURT: But you know yourself better than
4 anyone.

5 So the question --

6 THE PROSPECTIVE JUROR: I challenge myself to my own
7 biases. But I mean it's 30 years of conditioning --

8 THE COURT: Sure.

9 THE PROSPECTIVE JUROR: -- in a field that, you
10 know, I happen to love.

11 THE COURT: And that's terrific. That's great that
12 people love their work. And so certainly you have strong
13 feelings about things.

14 THE PROSPECTIVE JUROR: Yeah.

15 THE COURT: But the question is whether you can set
16 aside the feelings to assess the evidence in this case against
17 this particular individual based on this particular evidence.

18 THE PROSPECTIVE JUROR: Yeah, I -- I would hope so.
19 I would hope that I could -- if I was sitting on a jury that I
20 could render a fair and impartial thought. But I also know
21 that there's a challenge around that, yeah.

22 THE COURT: If you were accused of a drug
23 trafficking crime, would you want you to be on the jury?

24 THE PROSPECTIVE JUROR: Say that again? I'm sorry.

25 THE COURT: Would you want a person like you to be

Prospective Juror No. 28

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1 on a jury if you were to stand at trial?

2 THE PROSPECTIVE JUROR: Probably not.

3 THE COURT: No? Why not?

4 THE PROSPECTIVE JUROR: Just for all the things I
5 mentioned before. If I knew that about the person that was on
6 the jury, I'm not sure that I would be completely comfortable
7 with somebody with my background.

8 THE COURT: So are you saying you couldn't set
9 aside --

10 THE PROSPECTIVE JUROR: I'm not saying I couldn't.
11 You asked me --

12 THE COURT: Sure.

13 THE PROSPECTIVE JUROR: -- a sort of hypothetical
14 question.

15 THE COURT: Right.

16 THE PROSPECTIVE JUROR: And again, could I sit on a
17 jury and render a fair and impartial verdict to somebody, I
18 would try to listen to what was going on in court. I'm
19 certainly not going to come in -- I may come -- I shouldn't
20 say that. I may not come in or I may come in with
21 preconceived notions about certain things, especially things
22 around crime and drugs. Having said that, I don't think that
23 that would be the total sum of what would be going on in court
24 and I would certainly try to be paying attention to the things
25 that were going on in court.

Prospective Juror No. 28

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1 THE COURT: Right.

2 THE PROSPECTIVE JUROR: As well as understanding
3 that I do have some biases while I'm working on those.

4 THE COURT: Right.

5 THE PROSPECTIVE JUROR: I mean, I've been in
6 recovery for over 34 years, so certainly I look at myself and
7 I take my own daily inventory on a regular basis. So, you
8 know, that may be an advantage, but to say that I wouldn't
9 come in here with certain preconceived, given my background
10 and stuff, I can't say that.

11 THE COURT: Right.

12 THE PROSPECTIVE JUROR: I couldn't honestly say
13 that.

14 THE COURT: Sure. I appreciate your candor.

15 It's also a question of whether you can -- everybody
16 has feelings. Some people have very strong feelings. It's a
17 question of whether you can set them aside. And it's one
18 thing to try. But like I said, you know yourself better than
19 us, so I don't know how successful you would be, so I'm
20 asking.

21 THE PROSPECTIVE JUROR: I'm not sure.

22 THE COURT: You're not sure.

23 THE PROSPECTIVE JUROR: I hope that I would be.

24 THE COURT: Okay. All right. That's fine.

25 So let me just see. You had talked about

Prospective Juror No. 28

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1 cooperating witnesses and you said that you had some concerns
2 about whether they would be truthful.

3 THE PROSPECTIVE JUROR: I'm sorry, say it again?

4 THE COURT: You said you believe cooperating
5 witnesses testimony less.

6 THE PROSPECTIVE JUROR: Yeah. I guess I think when
7 somebody is being made a deal, you know, I would have to
8 question. And I would certainly like to have that exposed out
9 in a courtroom situation to see exactly where they're -- how
10 is it that they were actually witnessing something. Because
11 they're being offered a deal of some sort, so certainly I
12 think that there's a driving force to them being on whoever's
13 side that they happen to be on. So yeah, I do question
14 sometimes the idea of cooperating witnesses.

15 THE COURT: Right, right.

16 THE PROSPECTIVE JUROR: I love that expression, by
17 the way.

18 THE COURT: But for every witness who testifies, the
19 juror needs to make a credibility assessment.

20 THE PROSPECTIVE JUROR: Absolutely.

21 THE COURT: To believe or not believe.

22 THE PROSPECTIVE JUROR: That's absolutely true.

23 Every witness, yeah. Just because somebody is coming in here
24 and not supposedly receiving something, I don't know what
25 their motive might be anyway.

Prospective Juror No. 28

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1 THE COURT: Right. And certainly you will be
2 presented information about the person's motive and you can
3 assess that and take that into account in assessing
4 credibility.

5 THE PROSPECTIVE JUROR: Yes. And that's what I
6 meant by trying to take in a bigger picture in the court, the
7 trial.

8 THE COURT: All right. Great.

9
10 (Continued on the next page.)
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Jury Selection

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1 (Continuing.)

2 THE COURT: Do you have any concerns about being
3 fair and impartial if you were picked to sit as a juror in
4 this case?

5 THE POTENTIAL JUROR: I think I'm a fair and
6 impartial person, but I do think I have certain feelings about
7 things that touch me very personally.

8 THE COURT: Right.

9 THE POTENTIAL JUROR: You know, and, you know, drugs
10 and that kind of crime, it does touch me on a more personal
11 basis.

12 MS. KOMATIREDDY: No objection, Your Honor.

13 MR. DE CASTRO: No objection.

14 THE COURT: All right, then. Thank you very much.
15 You're excused. You can go back to the second floor. Thank
16 you.

17 (Prospective Juror number 28 exits.)

18 THE COURT: As the parties can see, I will usually
19 keep asking questions until I hear no objection. So if you
20 want to cut the questions short, please --

21 MR. DE CASTRO: I think on that one you knew what
22 other position would be. I didn't want to bother -- I didn't
23 want to interrupt.

24 THE COURT: No, I just wanted to let you know I will
25 just keep asking because I feel like I should keep probing.

Jury Selection

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1 But at any point you feel comfortable jumping in, feel free.

2 Juror No. 23 wanted to come back and tell us.

3 (Prospective juror number 23 enters.)

4 THE COURT: Hi, Juror No. 23. Thank you so much for
5 contacting your employer. You said you have an answer for us
6 now?

7 THE POTENTIAL JUROR: Yeah. They said either do it
8 three days max or whatever the legal days are.

9 THE COURT: Three days max or?

10 THE POTENTIAL JUROR: Whatever the legal days are.

11 THE COURT: Whatever the legal days are?

12 THE PROSPECTIVE JUROR: Yeah, that's what she said.

13 THE COURT: I'm not entirely sure if there's a
14 legally-mandated amount of time. Do the parties know?

15 MS. KOMATIREDDY: I think if the Court informs them
16 it's an eight-week trial, that that's what the length of
17 service will be, I think that that's fine.

18 THE COURT: All right. Thank you very much. Just
19 go back.

20 THE POTENTIAL JUROR: Sure.

21 (Prospective juror number 23 exits.)

22 THE COURT: So your understanding is that if the
23 Court says she's picked for an eight-week trial, that they
24 won't pay if they've committed to quote, unquote the legal
25 time?

Jury Selection

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1 MR. DE CASTRO: I've never seen that. I don't think
2 you can mandate an employer -- it's not public school, it's
3 private school. I think she's in private school.

4 THE COURT: I think she said private school. I'm
5 not entirely sure, but that's all the juror had as
6 information.

7 MR. DE CASTRO: I'm not sure.

8 MS. KOMATIREDDY: What I've seen in the past,
9 Your Honor, is that the judge will inform -- will either call
10 for I've Judge Garaufis do this, call the employer, say this
11 is the length of the trial, this is what they expect, and
12 usually they comply.

13 THE COURT: Okay. I think it would be nice to have
14 some certainty so we're not misunderstanding.

15 MR. DE CASTRO: Because it sounds like, Judge, what
16 the witness was told was, we will pay what we're required to
17 pay you. So if that's the case and there's no legal
18 requirement under the Department of Labor, the last thing we
19 want to do is five days in, she's like, oh my god, I can't pay
20 my rent.

21 THE COURT: That's my concern. So I wanted to get a
22 commitment in advance because what the legal amount, as we've
23 discussed, I don't know that there's a statutory legal amount,
24 but if the legal amount is what the Court orders, then that
25 would be fine. So --

Prospective Juror No. 23

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1 MR. DE CASTRO: What I -- and I don't think there
2 is -- I don't think there is a -- an employer is mandated to
3 pay for a certain amount. That's why they also pay -- there's
4 that nominal fee.

5 THE COURT: Exactly. I would hate to have her come
6 back. Can you just have Juror No. 23 come back.

7 And in the meantime, Juror 29, what would you like
8 me to focus on?

9 MR. DE CASTRO: I have 40, 56, and I think 71. This
10 is Juror No. 29, right?

11 THE COURT: Yes.

12 MS. KOMATIREDDY: We have nothing further,
13 Your Honor.

14 THE COURT: Okay.

15 (Prospective juror number 23 enters.)

16 THE COURT: Sorry to call you back. I just want to
17 be clear because we're concerned about getting a clearer
18 answer from your employer. So can you call your employer back
19 and just say this trial is going to last for two months, eight
20 weeks, and just confirm that if the Court tells them that,
21 that they will pay you for that time? Because when you said
22 legal time --

23 THE POTENTIAL JUROR: Yeah. She said whichever
24 period is -- she said either three days or whatever the legal
25 period is.

Prospective Juror No. 23

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1 THE COURT: Right, but we don't know what the
2 employer means by legal period. There's no statute that says
3 you have to pay X amount. So we're just concerned about your
4 employer understanding what it is. And if they can pay you
5 for the eight weeks of the trial, that's great, but if they
6 tell us, oh, we thought we only had to pay five days or
7 something like that, then we would be a little more worried.

8 THE PROSPECTIVE JUROR: I asked her about eight
9 weeks. She said no, we're not going to pay eight weeks.

10 THE COURT: Okay.

11 THE POTENTIAL JUROR: That's what she said. Then
12 she clarified more and said it's either three days or whatever
13 the legal days are. So I thought there was a minimum amount
14 of days.

15 THE COURT: That's what it sounds like your employer
16 thinks as well. They said they will not pay eight weeks?

17 THE POTENTIAL JUROR: I asked her straightforward,
18 will you guys pay me if I stay up to eight weeks. She said
19 no.

20 MR. DE CASTRO: No objection.

21 MS. KOMATIREDDY: No objection.

22 THE POTENTIAL JUROR: Should I call them --

23 THE COURT: No, that's clear. You're excused. Go
24 back to the second floor. Thank you so much for all that
25 extra work.

Prospective Juror No. 29

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1 (Prospective juror number 23 excused.)

2 THE COURT: All right. Juror 29.

3 (Prospective juror number 29 enters.)

4 THE COURT: Come up to the podium here. How are you
5 doing?

6 THE POTENTIAL JUROR: Good, thank you.

7 THE COURT: We just had some questions following up
8 on the answers you gave on the questionnaire. You indicated
9 that your brother and father were mugged in the early 80s.

10 THE PROSPECTIVE JUROR: Yeah.

11 THE COURT: And the police report was filed and
12 nothing happened. Do you think that would affect your ability
13 to be fair in this case, which is a criminal case?

14 THE POTENTIAL JUROR: Probably not.

15 THE COURT: All right. You said probably not. Do
16 you have any concern about it?

17 THE POTENTIAL JUROR: I mean, they -- they didn't do
18 anything, so.

19 THE COURT: Okay. "They" meaning who?

20 THE POTENTIAL JUROR: The cop -- police.

21 THE COURT: Police, all right. Do you think the
22 fact that the police didn't do anything affects your view --
23 affects your ability to be fair in a case that involves law
24 enforcement?

25 THE POTENTIAL JUROR: I don't think so.

Prospective Juror No. 29

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1 THE COURT: No?

2 THE POTENTIAL JUROR: I don't think so.

3 THE COURT: You also said that you feel like
4 marijuana should not have been legalized. Can you talk about
5 that?

6 THE PROSPECTIVE JUROR: Yeah. To me, it's still a
7 drug. I mean, again, in my opinion, just my opinion, I think
8 legalizing is probably is going to increase more usage of it.

9 THE COURT: Okay. And does your view of drug use
10 affect your ability to be fair in a case that involves
11 allegations of drug trafficking?

12 THE POTENTIAL JUROR: No.

13 THE COURT: You also indicated you weren't sure if
14 you would get paid if you were to sit on this jury.

15 THE POTENTIAL JUROR: I haven't checked.

16 THE COURT: Can you check with your employer?

17 THE PROSPECTIVE JUROR: Yeah.

18 THE COURT: It says here it's a financial company?

19 THE POTENTIAL JUROR: Yes.

20 THE COURT: So why don't you get your phone and call
21 them and just find out -- if this jury that you're being
22 considered for is eight weeks, it's two months long, so I just
23 want to know if they'll pay you.

24 THE POTENTIAL JUROR: Yeah, that's the other
25 problem. I didn't know it's eight weeks. I do take care of

Prospective Juror No. 29

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1 my elder mom.

2 THE COURT: Okay. So tell me about that.

3 THE POTENTIAL JUROR: She lives very close to my
4 house, like, five minutes, so I do take care of her.

5 THE COURT: And this is an elderly parent?

6 THE POTENTIAL JUROR: Yeah, my mom.

7 THE COURT: What kind of care does your mom need?

8 THE PROSPECTIVE JUROR: She has diabetes and blood
9 pressure, so.

10 THE COURT: How often do you take care of her now?

11 THE PROSPECTIVE JUROR: I mean, whenever she needs
12 it.

13 THE COURT: And when you're at work, what happens?

14 THE PROSPECTIVE JUROR: Two days, I go to work and
15 then my sister-in-law will take care of her, but she works
16 also.

17 THE COURT: So you said you work two days?

18 THE POTENTIAL JUROR: Yeah.

19 THE COURT: Okay. And you take care of her the
20 other three days -- or the other five days?

21 THE POTENTIAL JUROR: Yeah, I'm working from home so
22 if she calls me, then I will just go.

23 THE COURT: And if you were to sit on this jury,
24 would there be --

25 THE POTENTIAL JUROR: I think eight weeks, probably.

Jury Selection

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1 THE COURT: There's nobody else who could take
2 care --

3 THE POTENTIAL JUROR: No. Like I said, my
4 sister-in-law works also, so.

5 THE COURT: So, I'm just trying to think. If you're
6 only working two days max --

7 THE POTENTIAL JUROR: Two days, I'm working from
8 home.

9 THE COURT: Oh, I see.

10 THE POTENTIAL JUROR: So I can go at any time.

11 THE COURT: What kind of care does she need? Is it
12 she'll call you because she needs assistance, or?

13 THE POTENTIAL JUROR: Yeah, she needs assistance,
14 insulin, checking on sugar, those kinds of things.

15 MR. DE CASTRO: No objection, Your Honor.

16 THE COURT: I heard a no objection?

17 MR. DE CASTRO: That's from us.

18 MS. KOMATIREDDY: We would like follow-up,
19 Your Honor.

20 THE COURT: Okay. Can you step outside for a
21 moment? I just want to talk to the lawyers.

22 THE POTENTIAL JUROR: Okay.

23 (Prospective Juror number 29 exits.)

24 THE COURT: Okay.

25 MS. KOMATIREDDY: Your Honor, it sounds like this

Jury Selection

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1 can be covered. One of the Fridays we don't sit, he'll be
2 there for that day. And with respect to the others, it's not
3 a situation which it's constant care. It is a check-in as
4 needed. It doesn't sound like it's that frequent. It sounds
5 like others can do that.

6 It's also not clear to me why it should make a
7 difference, with respect to that reason, it's not clear to me
8 why it should make a difference if the trial is eight weeks.
9 If the trial were shorter, he seemed to be willing to do it
10 despite his mother's situation, but when you said eight weeks,
11 is when he raised that concern.

12 MR. DE CASTRO: Judge, I think what he's saying is
13 that it's more likely that she is going to be calling me if
14 I'm here for eight weeks, than if it's just a couple of weeks,
15 and my sister-in-law can fill in. He has to go -- I need my
16 insulin -- I forget where he lives. We're not just going to
17 be able to drop the trial day and go run for him to go, you
18 know --

19 THE COURT: It says Nassau.

20 MR. DE CASTRO: Yeah, Nassau. So go all the way out
21 to Long Island to try to give her a shot or try to find
22 somebody. I just think it doesn't make much sense.

23 MS. KOMATIREDDY: I would also note, Your Honor,
24 he's married and has two adult children.

25 THE COURT: And therefore?

Prospective Juror No. 29

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1 MS. KOMATIREDDY: And, therefore, there are others
2 in his family that can play this role.

3 THE COURT: How do we know they live nearby?

4 MS. KOMATIREDDY: We don't, Your Honor, but we can
5 inquire.

6 THE COURT: Let me find out about the days he's
7 working now because the Friday issue is a good point. And he
8 also doesn't know if he'll get paid, so that's still an
9 outstanding question. Let's have him come back.

10 (Prospective juror number 29 enters.)

11 THE COURT: Hi. Thank you for your patience. So
12 what days each week do you currently work away from home?

13 THE POTENTIAL JUROR: Tuesdays and Thursdays.

14 THE COURT: And those days, you said your
15 sister-in-law can cover for you?

16 THE POTENTIAL JUROR: MICH-hmm.

17 THE COURT: Are those days she's not working or how
18 is it she can cover those days?

19 THE POTENTIAL JUROR: She works from -- like, until
20 one, so it kind of works out some.

21 THE COURT: Okay.

22 THE POTENTIAL JUROR: Sometime I can change work,
23 Tuesday to Monday or something like that if she has other
24 plans.

25 THE COURT: Right, I see. Because the Court would

Prospective Juror No. 29

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1 not be sitting on Friday. So if you could switch your work so
2 that you were working on Friday, then there would only be one
3 day where --

4 THE POTENTIAL JUROR: I would still be.

5 THE COURT: I'm sorry?

6 THE POTENTIAL JUROR: It would still be, like, two
7 days, right?

8 THE COURT: Well, you wouldn't be available because
9 you would be here listening to evidence Monday through
10 Thursday, and then you would be -- I'm sorry, it's the other
11 way around, you would then be available on Friday to help her
12 because you could work from home. For example --

13 THE PROSPECTIVE JUROR: Still two more days I still
14 got to figure out.

15 THE COURT: Are there other family members who can
16 help? I notice you have grown children. Do they live nearby?

17 THE POTENTIAL JUROR: I mean, they are working.

18 THE COURT: Because it doesn't sound like your
19 mother needs somebody by her side, it's just that if she
20 happens to need --

21 THE PROSPECTIVE JUROR: In the morning, checking the
22 blood pressure, insulin, that any need -- check.

23 THE COURT: And could somebody check on her before
24 they went to work in the morning if it's every morning?

25 THE POTENTIAL JUROR: They could, but --

Jury Selection

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1 THE COURT: Yeah.

2 THE POTENTIAL JUROR: I guess they have their life,
3 right?

4 THE COURT: Well, I mean, if they needed to help out
5 because you had something else that you --

6 THE POTENTIAL JUROR: Eight weeks.

7 THE COURT: I know, I know. And, you know, we
8 realize it's an imposition, but it's an imposition for
9 everybody. Everybody has other things going on. So the
10 question is whether you could make it work or whether it just
11 wasn't possible for you.

12 THE POTENTIAL JUROR: It will be very tough, but --

13 THE COURT: Yeah, okay. So why don't you find out
14 from your employer about if you would get paid if you were
15 sitting on this jury for eight weeks.

16 THE POTENTIAL JUROR: Okay.

17 THE COURT: And then you can -- when you come back,
18 let one of my staff members know, and when you come back, you
19 can give us the answer.

20 THE POTENTIAL JUROR: Okay.

21 THE COURT: Okay, great. Thank you.

22 (Potential juror number 29 exits.)

23 THE COURT: So we'll get an answer to the pay, but
24 otherwise, he said he could make it work, so.

25 Juror No. 30, what would you like me to focus on?

Jury Selection

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1 MS. KOMATIREDDY: Forty, Your Honor.

2 MR. DE CASTRO: I'm sorry, Judge, on the last juror,
3 did you say he could make it work?

4 THE COURT: He said he could make it work. That's
5 what I heard him say.

6 MR. DE CASTRO: I got the opposite because he was
7 like, eight weeks, Judge.

8 THE COURT: And I said could you make arrangements
9 and he sort of was like it would be a hardship and I said it's
10 a hardship for anybody he said okay.

11 MR. DE CASTRO: Okay.

12 THE COURT: But he'll come back to us for the answer
13 on the pay. And if there's follow-up questions, you can let
14 me know.

15 MR. DE CASTRO: For sure.

16 THE COURT: We have Juror No. 30, and the government
17 is requesting I follow-up on question 40.

18 Mr. DeCastro?

19 MR. DE CASTRO: Forty-five.

20 THE COURT: Forty-five?

21 MR. DE CASTRO: I think that's right. Yeah, Queens
22 District Attorney's Office.

23 THE COURT: I'm looking at 40 and I don't know
24 what -- 40 says -- the answer was no. So what am I following
25 up on?

Prospective Juror No. 30

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1 MS. KOMATIREDDY: I'm sorry, Your Honor, I'll just
2 clear that up.

3 MR. DE CASTRO: I think it was 43 is the yes answer.

4 MS. KOMATIREDDY: I'm sorry, Your Honor, I meant 43,
5 yeah.

6 THE COURT: Okay. Mr. DeCastro, that was good
7 mind-reading. Okay. Let's have Juror No. 30.

8 (Prospective Juror number 30 enters.)

9 THE COURT: Hi, Juror No., 30. Come right up to
10 this podium. How are you doing?

11 THE POTENTIAL JUROR: I'm fine, thanks. How are
12 you?

13 THE COURT: Great. We just have a few follow-up
14 questions.

15 THE POTENTIAL JUROR: Okay.

16 THE COURT: You said you have a brother who was
17 incarcerated about 20 years ago.

18 THE POTENTIAL JUROR: Yes.

19 THE COURT: Do you think that experience with a
20 close family member will affect your ability to be fair in a
21 criminal case?

22 THE POTENTIAL JUROR: No.

23 THE COURT: No? Okay. Do you feel that he was
24 treated fairly?

25 THE POTENTIAL JUROR: Yeah -- it was.

Prospective Juror No. 30

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1 THE COURT: Do you have any views about the criminal
2 justice system based on that experience?

3 THE POTENTIAL JUROR: No, no.

4 THE COURT: Okay. And you also said that you have a
5 cousin who worked for the Queens DA's Office. The fact that
6 you have this family member who worked as a prosecutor, would
7 that affect your ability to be fair in a criminal trial?

8 THE POTENTIAL JUROR: She wasn't a prosecutor. I
9 believe she was more like a secretary or -- but she wasn't a
10 prosecutor.

11 THE COURT: Okay, but in the Prosecutor's Office?

12 THE PROSPECTIVE JUROR: Yes, in the Prosecutor's
13 Office.

14 THE COURT: Okay. Think that would affect your
15 ability to be fair in this case?

16 THE POTENTIAL JUROR: No.

17 THE COURT: Is there any reason you would not be a
18 fair and impartial juror if you were picked?

19 THE PROSPECTIVE JUROR: Not that I could think of,
20 to be honest.

21 THE COURT: I don't want you to come up with a
22 reason. I just want to make sure you had a chance to tell us
23 everything.

24 THE POTENTIAL JUROR: No, no.

25 THE COURT: Did you have any questions?

Prospective Juror No. 30

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1 THE POTENTIAL JUROR: Well, there was one item --
2 the question you spoke, the one about my brother being
3 incarcerated, like, when I read this question, not that it was
4 vague, but I also have a son who is currently going through
5 the legal system for something in Jersey. So I don't know if
6 that -- I have to throw that in there, or --

7 THE COURT: Yes. Well, thank you for letting us
8 know. Is he accused of a crime or is he a witness of a crime?

9 THE POTENTIAL JUROR: Accused, but he's not
10 incarcerated at the moment.

11 THE COURT: So pending a trial?

12 THE POTENTIAL JUROR: Yeah, pending, but waiting
13 still the first, everything.

14 THE COURT: What's he accused of?

15 THE PROSPECTIVE JUROR: Gun possession.

16 THE COURT: Is there anything about the fact that
17 that criminal proceeding against your son is pending, that
18 would be in your mind and affect your ability to be fair?

19 THE POTENTIAL JUROR: No. The only thing is I have
20 to go to court with him on Monday. So that's the only thing
21 that would stop anything from going forward. Or hindering,
22 rather.

23 THE COURT: Okay. So this coming Monday.

24 THE POTENTIAL JUROR: The 23rd. That's in Jersey.

25 THE COURT: What time?

Prospective Juror No. 30

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1 THE POTENTIAL JUROR: I believe it's 9:00 a.m. It's
2 usually 9:00 a.m.

3 THE COURT: How quickly could you get back here?

4 THE POTENTIAL JUROR: To be honest, usually when we
5 go, it's like a two -- because I live in Queens, it's, like, a
6 two-hour ride. So I would say -- depending on how long we
7 stay there. We usually don't stay there that long. Maybe,
8 noon, one, two. Something like that, yeah.

9 THE COURT: Okay. And why do you have to go with
10 your son?

11 THE POTENTIAL JUROR: Moral support.

12 THE COURT: Moral support?

13 THE POTENTIAL JUROR: Yeah.

14 THE COURT: But if you had to come --

15 THE POTENTIAL JUROR: If --

16 THE COURT: Somebody else would go with him?

17 THE POTENTIAL JUROR: Yeah, I would send my brother
18 and then I would just have to figure out how to get here,
19 that's all, which isn't hard.

20 THE COURT: Anything else?

21 THE PROSPECTIVE JUROR: No, that's it. That's all I
22 can think of.

23 THE COURT: Thank you so much.

24 THE POTENTIAL JUROR: You're welcome.

25 THE COURT: Why don't you go back to the room across

Jury Selection

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1 the hall.

2 (Prospective juror number 30 exits.)

3 THE COURT: Thirty-one.

4 MR. DE CASTRO: I have 58, I believe.

5 THE COURT: Okay.

6 MR. DE CASTRO: He answered yes. I don't know if
7 it's just an issue of drugs and their view on drugs.

8 THE COURT: Yeah. And then I'll, also, since there
9 was prior grand jury service, I'll point out that grand jury
10 uses a different standard. So let's have -- anything from the
11 government? Any requests?

12 MS. KOMATIREDDY: No thank you, Your Honor.

13 THE COURT: Okay. Juror No. 31, please.

14 (Prospective juror number 31 enters.)*31

15 THE COURT: Hi, Juror No. 31. Come up to this
16 podium here. You can put your stuff on the chair and just
17 stand at the podium because there's a microphone. How are you
18 doing?

19 THE POTENTIAL JUROR: Good. How are you?

20 THE COURT: I'm good, thank you. We just had a
21 couple of follow-up questions for you based on your answers to
22 the questionnaire. One of the questions asks about personal
23 experiences with you or your family members regarding drug use
24 and you said you have a family member who is 400 days clean
25 and you said it's a mental health issue.

Jury Selection

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1 This is a case that involves accusations of drug
2 trafficking and I'd like to know whether the fact that you
3 have this experience with your family member would affect your
4 ability to be fair if you were picked as a juror?

5 THE POTENTIAL JUROR: No.

6 THE COURT: Okay. It also says here, or you
7 answered that you had sat as a grand juror previously?

8 THE POTENTIAL JUROR: Yes.

9 THE COURT: So, as you know, as a grand juror, the
10 burden of proof is probable cause. In a criminal trial, you
11 would have to find beyond a reasonable doubt in order to
12 convict.

13 THE POTENTIAL JUROR: Yes.

14 THE COURT: Can you apply that different higher
15 standard of proof?

16 THE POTENTIAL JUROR: Yes.

17 THE COURT: Okay. Is there any reason that you
18 could not be fair and impartial if you were picked as a juror
19 in this case?

20 THE POTENTIAL JUROR: No.

21 THE COURT: All right. Any follow-up questions?
22 No? Okay.

23 Thank you very much. You can go back across the
24 hall.

25 (Prospective juror number 31 exits.)**Jury Selection

Jury Selection

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1 THE COURT: We have Juror No. 32, has an
2 ex-boyfriend who worked customs at JFK and there are some
3 projects, there's a hardship answer. Also English?

4 MR. DE CASTRO: Yeah. Thirty-two has three, there's
5 also a hardship here, or at least a hardship filled out. I
6 have 3, 35, 44 and then the hardship are what I have. I'm
7 sorry, only English there was not three.

8 THE COURT: The person said no but also had some
9 comment?

10 MS. KOMATIREDDY: Right, we had that.

11 THE COURT: And it's worth questioning. That's
12 fine.

13 MR. DE CASTRO: Sure.

14 THE COURT: So let's have juror 32. After 32, 29
15 has an answer as to whether he'll get paid or not.

16 (Prospective juror number 32 enters.)**32

17 THE COURT: Hi, Juror No. 32. Come up to this
18 podium, please. And you could put your coat on the chair if
19 you want.

20 How are you doing?

21 THE POTENTIAL JUROR: I'm good. How are you?

22 THE COURT: You can move your coat down and move
23 over to the podium so you can just stand.

24 THE PROSPECTIVE JUROR: Right here?

25 THE COURT: Yeah. How are you doing?

Jury Selection

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1 THE POTENTIAL JUROR: I'm good. How are you?

2 THE COURT: I'm good. Thank you. We just have a
3 couple of follow-up questions based on your questionnaire
4 answers. You said that you generally didn't have difficulty
5 with English but you did want us to know that you were born in
6 Russia and had some concerns.

7 THE POTENTIAL JUROR: Yeah, because I was born in
8 Russia, and, like, I'm an accountant. And obviously
9 accountant can understand very well. But when it comes to the
10 legal issues, I may not -- miss a lot of terms.

11 THE COURT: Okay. Thank you for letting us know.
12 The lawyers always try their best to explain legal terms
13 because even somebody who was born in the United States, if
14 they're not a lawyer, is going to understand legal terms. So
15 as long as you can understand what we're talking about now and
16 you didn't have problems with the questionnaire, then that
17 language ability seems to be good.

18 THE POTENTIAL JUROR: I'm really much better than
19 hearing something, so, that might be different -- might be
20 different.

21 THE COURT: Right. And have you understood things
22 that have been happening in court, as far as your jury service
23 so far?

24 THE POTENTIAL JUROR: Have I understood what?

25 THE COURT: Do you understand what I'm saying?

Jury Selection

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1 THE PROSPECTIVE JUROR: Yes, I understand what
2 you're saying.

3 THE COURT: And you work in English, right?

4 THE POTENTIAL JUROR: Yes.

5 THE COURT: Great. How long have you been in this
6 country?

7 THE POTENTIAL JUROR: Since 2009. So how many
8 years, I'm an accountant.

9 THE COURT: That's fine, I got it. And the
10 important thing is that you're able to understand English
11 enough to work and all those things. So the legal stuff, the
12 lawyers will do their best to help on, Judge Cogan will as
13 well, to explain legal terms to you. So you shouldn't have to
14 worry about that, okay?

15 THE POTENTIAL JUROR: Okay.

16 THE COURT: So you also said you had some concerns
17 about being paid and the work. So tell us about that.

18 THE POTENTIAL JUROR: Well, I'm a full-time employee
19 and it depend on how long the case is going to be. If it's
20 few days, then it shouldn't be a problem, but if it's weeks,
21 then I don't know if I'm going to get paid because I'm not
22 going to work, probably, if it's --

23 THE COURT: Right. It's eight weeks long is what we
24 think.

25 THE POTENTIAL JUROR: I don't know. And -- and

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1 another concern, who will do my job, my work, if I will be out
2 not able to work for eight weeks. Because my work assigned to
3 me, my deadlines, I have to prepare everything to certain
4 dates.

5 THE COURT: Okay. Well, you know, many jurors are
6 working and they're able to have other people cover for them
7 when they're away.

8 THE POTENTIAL JUROR: I don't think -- I don't think
9 they would cover. I think they would just make me work all
10 these hours. So I don't know how it's going to be. I know
11 today, even though my workday is nine to five, because I have
12 work that has to be done today, I don't know how I'm going to
13 finish that just because I'm -- I'm here, so.

14 THE COURT: Right. And have you talked to your
15 employer about how long you would get paid?

16 THE POTENTIAL JUROR: I didn't talk to him, but as
17 soon as I told him the first time that I have to go to the
18 jury duty, he was trying to make me tell, like, oh, you know
19 you have to work, you know, this is, like, you have essential
20 work to deliver. And so -- he wouldn't even understand me the
21 first time when I had to come in here.

22 THE COURT: Okay. What kind of business is it and
23 how big is it?

24 THE POTENTIAL JUROR: The company?

25 THE COURT: Yeah.

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1 THE POTENTIAL JUROR: Well, the office where I --
2 where I work is 100 employees. But in, overall, I think all
3 over the world, it's about 100,000 people.

4 THE COURT: And they can't find anyone else to cover
5 your job?

6 THE POTENTIAL JUROR: Because we divide it by the
7 departments. So mine is investment oversight and it's a new
8 team and we only two people and another two people they just,
9 like -- they -- they're allocated between departments. But in
10 mine, it's only me and my senior control. And then other two
11 people who are only, like, half the time.

12 THE COURT: All right. So since you don't know if
13 you're going to get paid, can you call your employer and just
14 find out if you were to get paid if you were to be picked to
15 sit on an eight-week trial?

16 THE POTENTIAL JUROR: Yeah, I can ask.

17 THE COURT: Yeah, I think if you can ask, we'll
18 know.

19 THE POTENTIAL JUROR: But what if I get paid, then I
20 will be here and I will still have to do my work. So to be at
21 1:00 a.m. or something, I don't think anyone can cover.
22 Maybe, I don't know. I just --

23 THE COURT: Well, usually, people don't like to be
24 on jury duty and don't want their employees, but they find a
25 way to make it work. And especially a company the size that

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1 you're talking about, if they were told you have to sit on a
2 jury, then they would have to make it work. I just need to
3 know about whether you will get paid. So if you get paid,
4 then the rest of it, the company will have to work out. So if
5 you could find out, that would be useful.

6 THE POTENTIAL JUROR: The company may work out, me
7 trying to work after the jury duty. That's -- and with level
8 of stress I have right now. I don't think I can do it.

9 THE COURT: All right. So do you think you would be
10 able to focus on this case or would you be worried it?

11 THE POTENTIAL JUROR: I would be worried. I'm
12 worried right now sitting there because I don't think my boss
13 was expecting me even for these amount of hours being here.

14 THE COURT: All right. So could you just make a
15 phone call to your employer and just ask and let them know the
16 judge asked to find out whether if you were to be on the jury
17 for eight weeks if you would be paid?

18 THE POTENTIAL JUROR: I can ask.

19 THE COURT: Then just let the staff know.

20 THE POTENTIAL JUROR: I don't have my phone.

21 THE COURT: We're going to take a break.

22 MR. DE CASTRO: And, judge, Fridays off.

23 THE COURT: Right, and we're not sitting on Fridays
24 either. We're going to take a break anyway, so go get your
25 phone.

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1 THE PROSPECTIVE JUROR: Okay.

2 THE COURT: Call your employer and get an answer to
3 that and let us know. That would help us. Thank you.

4 THE POTENTIAL JUROR: Okay, thank you.

5 (Prospective juror number 32 exits.):** Jury
6 Selection

7 MR. DE CASTRO: Judge, did you want to follow-up on
8 those -- on questions just in case, or?

9 THE COURT: For which juror?

10 MR. DE CASTRO: For this juror.

11 THE COURT: Sure.

12 MR. DE CASTRO: Well, she's gone.

13 THE COURT: That's okay. When she comes back and
14 let's us know. If you have questions, just write them down.

15 MR. DE CASTRO: I think there's a couple.

16 MS. KOMATIREDDY: There was a law enforcement
17 question.

18 THE COURT: The law enforcement one, yeah.

19 MS. KOMATIREDDY: Recent airport.

20 THE COURT: Great. And Juror No. 29 had an answer
21 as far as whether he'll get paid. Let's have him come in.

22 So, then for the other jurors, it's 12:30, let's
23 take a lunch break. We can come back at 1:30.

24 MS. KOMATIREDDY: Yes, Your Honor.

25 THE COURT: So we'll just have this one juror and

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1 everybody else can go.

2 (Prospective Juror number 29 enters.)**29

3

4 Hi, Juror No. 29. You were going to check with your
5 employer?

6 THE POTENTIAL JUROR: Yeah. So it's a call center.
7 So I called and left a message, but I did a quick Google, they
8 said ten days. But, again, it's a Google, so I don't know.

9 THE COURT: Right. And then after that, you
10 wouldn't get paid?

11 THE POTENTIAL JUROR: Yeah.

12 THE COURT: Yeah.

13 THE POTENTIAL JUROR: That's what it seems like,
14 but, again, I left a message at the call center.

15 THE COURT: All right. Thank you for letting us
16 know. I'll talk with the lawyers. I think we're breaking for
17 lunch anyway, so we'll get back to you.

18 THE POTENTIAL JUROR: Okay.

19 (Prospective juror number 29 exits.)**Jury Selection

20 THE COURT: All right. How reliable is a Google
21 search?

22 MR. DE CASTRO: That's what we're chatting about. I
23 want to know what the search was.

24 MS. KOMATIREDDY: I think it's worth waiting to
25 actually get an answer from employer, Your Honor.

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1 THE COURT: Yeah, the call center will get back to
2 us. So why don't we take a lunch break, come back at 1:30 and
3 pick up with Juror No. 33 and then we have the rest of the
4 jury for the afternoon. Let's just see how far we go.

5 We're in pretty good shape, but I still think we
6 need to get through -- I would advise getting enough jurors
7 for the full day tomorrow. We might get to 40 before the end
8 of the day tomorrow, but I think it's probably -- do you think
9 we should call in 60 jurors for tomorrow?

10 MS. KOMATIREDDY: I do, Your Honor. I think also,
11 there's a number -- at least there's these five jurors we
12 asked for follow-up. So I think it may be worth picking a few
13 more than 40 in case we have additional jurors who come back
14 after having checked with their employer, with the eight
15 weeks, I would suggest we pick 50 just to be on the safe side.

16 THE COURT: All right. We have 34 jurors for this
17 afternoon. I'm hopeful we will get through them. At the rate
18 we're going, I don't think we'll have too many left over. So
19 I think if we call in the full 60 tomorrow, with an allowance
20 for some not being able to show up, we'll have a full roster
21 for questioning tomorrow. So I'll ask the jury office to
22 request 60 for tomorrow. Let's pick up at 1:30 with
23 Juror No. 33 and try to get through all the jurors today.

24 (A luncheon recess was taken.)
25

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1 AFTERNOON SESSION

2 THE COURTROOM DEPUTY: All rise.

3 THE COURT: Please be seated. We are back on the
4 record for jury selection. We will resume with Juror No. 33.
5 I would propose that we go through the four from this morning
6 that we didn't get to. Juror No. 44 from this afternoon --
7 I'm sorry. I didn't realize the defendant wasn't here. Okay.
8 (Defendant present.)

9 THE COURT: We are back on the record. We are going
10 to resume with the jurors that we didn't get to this morning.
11 There are four of them and Juror No. 44 from this afternoon
12 has something -- has a medical appointment later, so we are
13 going to get to that juror next and then we can talk about any
14 for cause strikes.

15 Once we have had a chance to discuss those, we will
16 excuse them and move on to the afternoon. Any questions?

17 MS. KOMATIREDDY: No, Your Honor.

18 THE COURT: Let's bring in Juror No 33.

19 MS. KOMATIREDDY: On 33, Your Honor, we would
20 request questioning on 36, 37, 41, 43, 49, 55, 62, and 65.

21 THE COURT: All right.

22 MR. DE CASTRO: I think, Judge, we would just add
23 40, if they didn't say that already, and 55. And 55, 56, 62
24 and 66.

25 THE COURT: All right.

Prospective Juror No. 33

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1 (Prospective Juror No. 33 enters.)

2 THE COURT: Juror No. 33, come up to the podium,
3 please.

4 THE PROSPECTIVE JUROR: Hi.

5 THE COURT: How are you doing.

6 THE PROSPECTIVE JUROR: Good.

7 THE COURT: We had a couple of follow-ups questions
8 for you based on the answers you gave on the questionnaire. I
9 will start with your brother's tragic death.

10 THE PROSPECTIVE JUROR: Yeah.

11 THE COURT: You mentioned it in the questionnaire
12 and how it might affect your ability to be fair and impartial.
13 So can you talk about that a little bit?

14 THE PROSPECTIVE JUROR: Yeah, it was -- I guess it
15 started as a road-rage incident and then it's pretty much
16 classic manslaughter and whatever. They apprehended the guy
17 who stabbed him right away. He spent a year or so in jail
18 until the trial came up. It was quite a long trial. Maybe
19 three weeks. It seemed very straightforward. He wasn't the
20 initial aggressor. A guy flashed a knife and chased him.
21 They squared off and my brother got stabbed and died right on
22 the street. And at the end of the trial, they let him go,
23 they said it was justified, self-defense. It was very hard to
24 believe that it was self-defense.

25 THE COURT: I'm so sorry about the loss of your

Prospective Juror No. 33

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1 brother.

2 THE PROSPECTIVE JUROR: It was a long time ago. It
3 hurts to talk about.

4 THE COURT: It still affects you. The question is
5 how would this impact your ability to be fair in a criminal
6 case. Obviously it is a different type of case, but it is a
7 criminal justice system and you mentioned you have some
8 distrust in the criminal justice system.

9 THE PROSPECTIVE JUROR: Correct. I would like to
10 say I could rise above it and be completely impartial. But it
11 would be impossible to say without treating the people and
12 hearing the people.

13 THE COURT: And that's good, because if you are
14 coming into this with an open mind and you're waiting to hear
15 and see from the witnesses, that's exactly what we want from a
16 juror. The question is whether going into it you have some
17 inclination to want to convict or want to acquit that's not
18 linked to the evidence in the case?

19 THE PROSPECTIVE JUROR: I would say I could do my
20 best to be impartial.

21 THE COURT: Right. Do you think you could set aside
22 any feelings you might have about what happened your brother's
23 case and be fair to both sides?

24 THE PROSPECTIVE JUROR: I think I could be fair. Do
25 I want to go through it and dredge up a lot of old stuff, I

Prospective Juror No. 34

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1 don't think so. It would be hard for me.

2 THE COURT: I understand.

3 MR. DE CASTRO: Your Honor, we have no objection.

4 MS. KOMATIREDDY: No objection.

5 THE COURT: So, thank you very much for your
6 service. You are excused. You can go back down to the second
7 floor.

8 THE PROSPECTIVE JUROR: Thank you.

9 (Prospective juror No. 33 excused.)

10 THE COURT: Juror No. 34, what would you like me to
11 focus on?

12 MR. DE CASTRO: I have 34, 36, 40, 50, 55, 56 and
13 66.

14 THE COURT: All right. Anything else?

15 MS. KOMATIREDDY: Same.

16 THE COURT: Same ones. All right. Let's bring in
17 Juror No. 34.

18 (Prospective Juror No. 34 enters.)

19 THE COURT: Hi, Juror No. 34. How are you doing?

20 THE PROSPECTIVE JUROR: Good. Thank you.

21 THE COURT: Good. So we just had a couple of
22 questions to ask you as a follow up to the answers you gave on
23 the questionnaire.

24 THE PROSPECTIVE JUROR: Sure.

25 THE COURT: So you mentioned that you own investment

Prospective Juror No. 34

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1 properties and you say anything pertaining to crime in real
2 estate you might be biased. Can you tell us about that?

3 THE PROSPECTIVE JUROR: Well, I'm a landlord, so if
4 there are any issues with tenants as far as the law is
5 concerned, I might be biased regarding that.

6 THE COURT: Okay. This is not that type of case?

7 THE PROSPECTIVE JUROR: I know.

8 THE COURT: So do you think you could be fair in
9 this case that involves allegations of drug trafficking?

10 THE PROSPECTIVE JUROR: Yeah, I believe so.

11 THE COURT: And you mentioned that you had been
12 robbed on the subway, you were punched, and money was taken
13 from you. Do you think that experience would affect your
14 ability to be fair in this case.

15 THE PROSPECTIVE JUROR: No, I don't think so.

16 THE COURT: Do you feel like the -- did you report
17 that?

18 THE PROSPECTIVE JUROR: No.

19 THE COURT: You said you never reported it?

20 THE PROSPECTIVE JUROR: I never reported it.

21 THE COURT: I see. Okay.

22 You mentioned that you believe drugs should be
23 legalized and that would make drug cartels unable to do their
24 business in the U.S.

25 THE PROSPECTIVE JUROR: That's true.

Prospective Juror No. 34

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1 THE COURT: So this is a case that happens to
2 involve allegations of involvement in a drug cartel. Do you
3 think you could be fair in this case to the particular
4 defendant who is standing trial?

5 THE PROSPECTIVE JUROR: Yeah, I believe so, but, you
6 know, I believe that we are -- the U.S. is partially
7 responsible, so, that's my opinion.

8 THE COURT: Sure. And if you -- notwithstanding
9 that general belief, the question is whether you could be fair
10 in this case, both to the Government -- we have the United
11 States Attorneys --

12 THE PROSPECTIVE JUROR: Yes.

13 THE COURT: -- Office personnel representing the
14 Government and then we have a defendant and his counsel. So
15 can you be fair in a case like this to both sides?

16 THE PROSPECTIVE JUROR: I hope so.

17 THE COURT: What is your hesitation?

18 THE PROSPECTIVE JUROR: I don't know. It all
19 depends what happens in the case.

20 THE COURT: Well, I mean, what happens -- it depends
21 what happens in the case is actually the kind of juror we
22 want. We want a juror who comes in with an open mind, listens
23 to the evidence, makes assessments on credibility and comes up
24 with a verdict that's based on evidence in this case and what
25 the judge will instruct you. So can you do that?

Prospective Juror No. 34

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1 THE PROSPECTIVE JUROR: Yeah, I think so.

2 THE COURT: Okay. And so, even if you -- whatever
3 your views may be about the way the United States is handling
4 drug cartels, as you mentioned it, if Judge Cogan instructs
5 you on what the law is, will you be able to follow it or will
6 you say I don't agree with that, I'm going to go another way?

7 THE PROSPECTIVE JUROR: I don't know.

8 THE COURT: You don't know?

9 THE PROSPECTIVE JUROR: No.

10 THE COURT: If Judge Cogan says this is what the law
11 says, you will say no, I'll do something else?

12 THE PROSPECTIVE JUROR: I will try to, let's put it
13 that way.

14 THE COURT: Again, tell me about your hesitation.

15 THE PROSPECTIVE JUROR: Well, in the back of my mind
16 I'm always going to be thinking about that, what happens with
17 the drug situation.

18 THE COURT: Right. Well, again, the drug situation
19 is the drug situation.

20 THE PROSPECTIVE JUROR: Right.

21 THE COURT: In this case, it's one man standing
22 trial and the Government has made accusations against him.

23 THE PROSPECTIVE JUROR: I know.

24 THE COURT: Your only job as a juror will be to find
25 him guilty or not guilty. Can you do that just based on the

Prospective Juror No. 35

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1 evidence in the case and the law as Judge Cogan will instruct
2 you?

3 THE PROSPECTIVE JUROR: I think so.

4 THE COURT: All right. And did you have any other
5 things you wanted to let the Court know that we should know in
6 terms of your ability to be fair and impartial?

7 THE PROSPECTIVE JUROR: No, I don't think so.

8 THE COURT: All right. Any follow up?

9 MR. DE CASTRO: No, Your Honor.

10 THE COURT: Thank you. You can go back across the
11 hall.

12 THE PROSPECTIVE JUROR: Thank you.

13 (Prospective juror 34 exits.)

14 THE COURT: Okay, Juror No. 35, there are a lot of
15 questions. I am start with the hardship question.

16 Anything else you want me to focus on?

17 MR. DE CASTRO: Yes, a lot on this one, Judge.

18 Well, 22. So this is Juror No. 35. 22, 40, 45, 47,
19 49, 50, 37 -- sorry about that -- 52, 54, 55, 56, 66, 67 and,
20 of course, Your Honor said you will start with 69, the
21 hardship.

22 THE COURT: All right. How about the Government?

23 MS. KOMATIREDDY: Same, Your Honor.

24 THE COURT: So let's bring in Juror No. 35.

25 (Prospective Juror No. 35 enters.)

Prospective Juror No. 35

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1 THE COURT: Hi.

2 THE PROSPECTIVE JUROR: Hello.

3 THE COURT: You're Juror No. 35. You can put your
4 coat and bag on the chair if you would like.

5 THE PROSPECTIVE JUROR: Thanks very much.

6 THE COURT: We have a couple of follow-up questions
7 based on the answers you gave.

8 THE PROSPECTIVE JUROR: Okay.

9 THE COURT: I will start with your answer to the
10 hardship question. You said you have some issues in terms of
11 serving on this trial.

12 THE PROSPECTIVE JUROR: Just that I'm working on a
13 big work project. It probably sounds silly. I work for a
14 financial services company. We're switching banks, from one
15 bank to another, and I'm lead on the project, and it requires
16 a lot of time and like daytime meetings, so it would be
17 challenging to manage that alongside the jury.

18 THE COURT: Are you the only person who will be
19 handle that?

20 THE PROSPECTIVE JUROR: Probably not the only, no.
21 I'm like the most experienced and knowledgeable about it, but
22 I guess they could probably figure something else out.

23 THE COURT: Okay. The Court will not sit on Friday,
24 so you will at least have Fridays if you have to go to work if
25 they needed.

Prospective Juror No. 35

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1 THE PROSPECTIVE JUROR: Yeah.

2 THE COURT: It sounds like a big financial
3 institution. You might be the best person but they might be
4 able to find somebody to back you up, is that right?

5 THE PROSPECTIVE JUROR: I think so.

6 THE COURT: Can you stand closer to the podium for
7 the microphone.

8 THE PROSPECTIVE JUROR: Sorry. I mean, I know that
9 they would want me to.

10 THE COURT: Of course.

11 THE PROSPECTIVE JUROR: Obviously this is important
12 to, so.

13 THE COURT: You said you weren't sure if you would
14 get paid. Do you know?

15 THE PROSPECTIVE JUROR: Actually, I did look into
16 that and I would be paid. They have, like, an insurance
17 policy that helps pay for people on jury duty.

18 THE COURT: Right. Fantastic. Let me ask you about
19 some of your other answers. You said that you strongly
20 disapprove -- well, you said the war on drugs to be
21 ill-advised. Can you talk about that?

22 THE PROSPECTIVE JUROR: Yeah, I just -- my friend
23 works for a non-profit that has done a lot of work showing how
24 the war on drugs has negatively impacted particularly
25 communities of color in the U.S. I just think that a lot of

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1 times it just feels like people who just get caught up in a
2 difficult system get punished for things that aren't their
3 fault and that people of different races are held to different
4 standards sometimes.

5 THE COURT: Okay. And do you think that that would
6 impact your ability to be fair to the defendant in this
7 particular case?

8 THE PROSPECTIVE JUROR: I mean, what I tried to do
9 in answering my questions is explain where I'm coming from. I
10 would try my best to put aside any of that stuff. So, yeah, I
11 don't know if that's -- how to answer that. I would do my
12 best to put aside anything and treat everybody fairly.

13 THE COURT: Right. And could you be fair to the
14 Government in this case, as well as the defendant?

15 THE PROSPECTIVE JUROR: I guess the one thing in the
16 questionnaire that confused me is like -- I wrote it down. I
17 wasn't sure why, like, if this isn't a United States citizen
18 who committed crimes in the U.S., and if it's corruption from
19 another government why is it our business in the United
20 States? That was a little confusing to me. But I guess if
21 that's what I am told that's what I need to do, I would follow
22 instructions and do it properly.

23 THE COURT: Right. And that's exactly what we want
24 in a juror, somebody who will follow the instructions and
25 listen to the evidence and make an assessment in this

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1 particular case. And just to let you know, the issue of
2 whether the case can be brought in the United States even if
3 acts were committed outside the United States, a judge has
4 already said that it's fine, it can go forward here.

5 THE PROSPECTIVE JUROR: Right.

6 THE COURT: Like you said, you would follow the
7 instructions and just look at the evidence that is put to the
8 jury. I think you can do that.

9 THE PROSPECTIVE JUROR: Yeah.

10 THE COURT: Great.

11 You also said that -- well, you said that you are
12 skeptical of the criminal justice system and its fairness. Is
13 that the same thing that you talked about earlier on the war
14 on drugs or is it something different?

15 THE PROSPECTIVE JUROR: Yeah, just in general I feel
16 like our system tends to sometimes punish people from less
17 privileged economic backgrounds and stuff like that, so I
18 worry about that sometimes.

19 THE COURT: Maybe I'm repeating myself.

20 THE PROSPECTIVE JUROR: I'm sorry.

21 THE COURT: No. It's my fault. Do you think you
22 could put that aside and be fair in this particular case?

23 THE PROSPECTIVE JUROR: I think so, yeah.

24 THE COURT: All right. You mentioned that you have
25 parents who are lawyers?

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1 THE PROSPECTIVE JUROR: Yes, both my parents are
2 lawyers.

3 THE COURT: And a former roommate is a public
4 defender.

5 THE PROSPECTIVE JUROR: Yes. I guess run into a lot
6 of lawyers.

7 THE COURT: But you're not a lawyer?

8 THE PROSPECTIVE JUROR: No, I'm not a lawyer.

9 THE COURT: And having all of these lawyers around
10 you, do they talk about law, legal issues, criminal law?

11 THE PROSPECTIVE JUROR: Yeah, I mean, less criminal
12 law, my dad worked for a corporation, was a lawyer for them.
13 But we talked a lot about law in general growing up and stuff.

14 THE COURT: Okay. So at the end of the trial, Judge
15 Cogan is going to instruct you on what the law is. As a
16 juror, you would have to follow that law. The concern is
17 always with people who are surrounded by lawyers that lawyers
18 tell them what the law is. And if Judge Cogan told you
19 something but you're like my dad or roommate told me something
20 different, will you follow what Judge Cogan told you or would
21 you say no, dad must be right?

22 THE PROSPECTIVE JUROR: If I'm here and being told
23 to follow -- I'm kind of like a follower by nature, I guess.
24 So if you told me I needed to follow that rule, I would do so,
25 unless this is a huge miscarriage of justice, but that seems

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1 like it would be at odds with the judge telling us the rules
2 of the law of the nation.

3 THE COURT: So you would follow the law as the judge
4 instructs you?

5 THE PROSPECTIVE JUROR: Yes.

6 THE COURT: All right. You also said you strongly
7 approve against Government corruption, like people generally
8 are going against corruption --

9 THE PROSPECTIVE JUROR: Yes. I was going to say is
10 there anybody who is in favor of government corruption.

11 THE COURT: The question is whether you can be fair
12 in this case both to somebody who is accused of engaging in
13 behavior that might constitute Government corruption to both
14 the person and the Government that it is accusing?

15 THE PROSPECTIVE JUROR: Like, so just about fairness
16 to the person, is that giving them an open mind to be shown
17 that they didn't do the corruption or do I have to be okay
18 with them committing corruption?

19 THE COURT: No. It would be about whether this
20 person committed corruption or not.

21 THE PROSPECTIVE JUROR: Yeah.

22 THE COURT: The charge is not necessarily
23 corruption.

24 THE PROSPECTIVE JUROR: Got it.

25 THE COURT: Some of the activity may involve that.

Prospective Juror No. 35

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1 So that's what the question is, not whether you approved it.

2 THE PROSPECTIVE JUROR: Got it.

3 THE COURT: But whether the person did it. Does
4 that make sense?

5 THE PROSPECTIVE JUROR: Yes. I think so.

6 THE COURT: Okay. And you also talked about you I
7 thought marijuana should be legal. This case involves cocaine
8 trafficking. Do you think that will be an issue for you in
9 terms of being fair?

10 THE PROSPECTIVE JUROR: I don't think so. I guess I
11 don't think cocaine should be legal. I don't know if that has
12 bearing or not.

13 THE COURT: And, in fact, it's not.

14 THE PROSPECTIVE JUROR: Yeah.

15 THE COURT: Then you also said you disapprove of
16 many NYPD policies. Will that impact your ability to be fair
17 in this case?

18 There is law enforcement. So NYPD is law
19 enforcement.

20 THE PROSPECTIVE JUROR: Yeah, I mean, I -- I have to
21 be honest that, like, I'm not generally like predispose to
22 think fondly on the NYPD just based on experiences I have seen
23 and stuff, but I've -- I feel, like I said, if you put me in
24 with the facts, I will try my best to look at the facts and
25 not let any of those personal opinions come into the picture.

Prospective Juror No. 35

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1 THE COURT: All right. Would that affect your
2 ability to assess credibility, you know, if there were a law
3 enforcement officer testifying, would you tend to not believe
4 her just because she's law enforcement?

5 THE PROSPECTIVE JUROR: No. I don't think not --
6 but I feel, like, with any witness, I would be interested in
7 the corroborating evidence just because I think sometimes
8 people with good intentions can get things wrong or misheard
9 something. So I don't think, like, inherently no, she's
10 definitely lying. I think, in general, I try to take things
11 with a little bit of skepticism.

12 THE COURT: And, you know, that's fine, because
13 you'll be instructed that when you assess a witness'
14 credibility you can take into account motive to lie, ability
15 to observe, those kinds of things. That's completely
16 appropriate for everyone.

17 THE PROSPECTIVE JUROR: Okay.

18 THE COURT: The question is whether you are going to
19 do it differently for law enforcement or somebody who is not
20 law enforcement or would you treat the witness -- you would
21 assess the testimony in the -- go through that same process.

22 THE PROSPECTIVE JUROR: I would try to do it the
23 same, yeah.

24 THE COURT: Okay. Do you think you will be
25 successful, to be fair to both law enforcement and non-law

Prospective Juror No. 35

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1 enforcement witnesses?

2 THE PROSPECTIVE JUROR: I think, yeah.

3 MS. KOMATIREDDY: We have no objection, Your Honor.

4 THE COURT: Do you want further discussion or is
5 that no objection?

6 MR. DE CASTRO: I think further discussion.

7 THE COURT: Okay.

8 So, let me just see. I have one last question. You
9 said you weren't sure you could avoid the internet because of
10 your work. If you are a juror, it's not that you would have a
11 news blackout.

12 THE PROSPECTIVE JUROR: Right.

13 THE COURT: But if you heard something that was
14 about this trial, you would have to turn it off.

15 THE PROSPECTIVE JUROR: I've already done that. I'm
16 a Brian Lehr listener. He's a reporter for WNYC. I saw there
17 was a segment about this and I just didn't listen to that one.
18 I think I can do that. I got nervous and said no internet. I
19 just do all my work on the internet.

20 THE COURT: But that's what you do.

21 THE PROSPECTIVE JUROR: I would avoid, like -- if I
22 would come into contact, I would just not read that article or
23 not listen to that piece of news or whatever, yeah.

24 THE COURT: Great. So I'm going to talk to the
25 lawyers for a minute.

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1 THE PROSPECTIVE JUROR: Okay.

2 THE COURT: If you don't mind, please step outside
3 and we'll let you know when we're ready.

4 THE PROSPECTIVE JUROR: Okay.

5 (Prospective juror 35 exits.)

6 THE COURT: All right. So I heard a motion to
7 strike for cause?

8 MS. KOMATIREDDY: Yes, Your Honor.

9 Our view is that this juror should be struck for
10 cause for multiple reasons. I think there were multiple
11 instances of obvious hesitancy in her ability to set aside her
12 prior disposition. In response to Your Honor's question about
13 law enforcement officers, rather than stating she would treat
14 those law enforcement witnesses in the way she would treat any
15 other witness, she held them to a different standard. She
16 indicated that she would require additional evidence other
17 than their word. While that's fine as a general matter,
18 putting a different standard on those specific types of
19 witnesses as compared to other witnesses is inappropriate.

20 In addition, it also flies in the face of one of the
21 other questions we asked, which is that no specific type of
22 evidence is required in this case. The jury is to look at all
23 of evidence and decide whether it meets the standard of beyond
24 a reasonable doubt, but her articulations sua sponte that she
25 would be looking for specific types of evidence is concerning

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1 to us.

2 In addition, I think that her demeanor of multiple
3 hesitant answers saying -- that are in connection with both
4 her views on the judicial system as a whole, and also holding
5 people to different standards, whether she would be able to
6 put aside her views on the system in response to question 50.
7 And, finally, whether she would be able to follow the law.
8 She initially agreed with Your Honor, but ultimately included
9 an exception that if she felt there was a miscarriage of
10 justice she would do what she believed instead of following
11 the law. That's a fundamental expression of jury
12 nullification.

13 For all of those reasons, we think this juror should
14 be struck for cause.

15 I would also note that she has a preplanned trip in
16 March.

17 THE COURT: I will ask about the trip because I was
18 focused on the work.

19 Let me hear from Mr. de Castro.

20 MR. DE CASTRO: Judge, I don't think she's a cause.
21 I think Your Honor rehabilitated any potential issue. The
22 fact that she paused in answering her questions, what I saw
23 was a juror that wanted to reflect upon the question and give
24 as open an answer as she could, which is actually, quite
25 frankly, her questionnaire is sort of thoughtful.

Prospective Juror No. 35

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1 You know, she told you things like I'm a rule
2 follower, yes, if Judge Cogan tells me that's the law, that's
3 the law, I will follow it. I don't think there's really an
4 issue of cause here.

5 THE COURT: All right. I will follow up with
6 question about the trip and I will also follow up about the
7 requirement for corroboration. I did hear that and I meant to
8 ask her if the law said you could convict based on just
9 testimony, would you follow that, but I did not hear her say
10 that to apply only to law enforcement officers, so I will
11 certainly ask her about that.

12 I think that in response to my questioning she did
13 say she thought she could be fair. Even though she would
14 start out by saying I could try to be fair, she did end up
15 saying I believe I could be fair. So I can certainly probe
16 her a little bit more on that just to be sure of it and see
17 where it goes.

18 If we could have her come back.

19 (Prospective Juror No. 35 enters.)

20 THE COURT: Hi, Juror No. 35. We just had a couple
21 of follow-up questions.

22 THE PROSPECTIVE JUROR: Hi.

23 THE COURT: So I saw that you put down you've got a
24 trip planned in March. Can you tell me about that?

25 THE PROSPECTIVE JUROR: Yes, it's from Thursday,

Prospective Juror No. 35

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1 March 2nd to Sunday, March 5th. It's my little sister's
2 bachelorette party.

3 THE COURT: Okay. Are the tickets -- well, I guess
4 you can't re-schedule it because it's her party?

5 THE PROSPECTIVE JUROR: It's her party, I can't
6 reschedule.

7 THE COURT: Is it like in the morning or in the
8 afternoon?

9 THE PROSPECTIVE JUROR: The flight I've booked is in
10 the morning.

11 THE COURT: Because the Court doesn't sit on Friday.

12 THE PROSPECTIVE JUROR: Right.

13 THE COURT: So you could probably miss the Friday.

14 All right. Then you had talked about wanting
15 corroborating evidence and not just the eyewitness testimony.
16 Is that only for law enforcement or for all witnesses?

17 THE PROSPECTIVE JUROR: I would say I would want as
18 much as possible from everyone just because, like I said, I
19 understand that in some situations, there's nothing, but
20 eyewitness evidence, but that feels like it's a lot just to go
21 off one person's description of something versus having
22 documents or something else that can back it up.

23 THE COURT: Right. And if Judge Cogan were to
24 instruct you that actually the law allows you to consider
25 uncorroborated evidence as long as you find the witness

Prospective Juror No. 35

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1 credible --

2 THE PROSPECTIVE JUROR: Got it.

3 THE COURT: -- you know, you have to find the
4 witness credible first.

5 THE PROSPECTIVE JUROR: But I guess if that's all we
6 have, I have to make a decision, I cloud do that. Like, I
7 think it makes me really nervous about being wrong because
8 obviously there's a lot at stake for people in trials like
9 this. So, you know, I would work off what we have. I would
10 hope to have as much evidence as possible to make an informed
11 decision.

12 THE COURT: Right. And I think the most important
13 thing is you would do that for every witness. It isn't about
14 what the witness' does or what the witness' background is, you
15 would assess the witness' credibility?

16 THE PROSPECTIVE JUROR: I would do that.

17 THE COURT: Let me go back to your sister's trip.
18 Is it possible to change the flight to Thursday night and get
19 there Thursday night rather than Thursday morning?

20 THE PROSPECTIVE JUROR: I don't know if that's
21 possible with my ticket and the impact on my relationship with
22 my sister. So, I have to be late to your bachelorette party.
23 I don't know. If you are asking me if it's physically
24 possible? Yes. Is it preferable? No. Yeah.

25 THE COURT: That's fine. Were there any follow-up

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1 questions?

2 MR. DE CASTRO: No, Your Honor.

3 THE COURT: Great. Thank you very much.

4 THE PROSPECTIVE JUROR: Thank you, I appreciate it.

5 (Prospective juror 35 exits.)

6 THE COURT: So --

7 MS. KOMATIREDDY: Your Honor, I think we have to
8 strike this juror for cause. This is a cooperator case. This
9 goes to the very heart of our evidence and she has already
10 expressed an inability to really follow the instruction that
11 she could, on a witness's word, to convict should she find
12 that witness --

13 THE COURT: Well, she said that she's a
14 rule-follower and if she were told that she could make a
15 finding based just on corroborated evidence, that she would.

16 MS. KOMATIREDDY: Your Honor, this goes to Mr. de
17 Castro's point earlier about why demeanor matters. There are
18 certainly jurors we have let through after questioning that
19 said I will try my best and we take their word for it. This
20 juror is visibly and explicitly hesitating. She said herself
21 it makes her nervous about attempting to follow that rule of
22 believing a witness without requiring some additional
23 corroboration like documents. That is the heart of the issue
24 in this case and we don't think we can get a fair trial with
25 that juror on the venire.

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1 THE COURT: Well, I think she would be fair. I do
2 have some concerns about her travel plans.

3 Mr. de Castro, do you have any thoughts on her
4 sister's bachelorette party?

5 MR. DE CASTRO: None. It is one trial day in eight
6 weeks. I believe the Government was the one that said earlier
7 well, it's just one trial day.

8 I can tell you that if we're in March, we are going
9 to love to have an extra trial day break to give us all a
10 breather. So I don't have any issue with that. I don't think
11 she is cause. The Government can strike. They can use their
12 peremptory. That's their business.

13 THE COURT: Were there any follow-up questions that
14 you wanted me to ask?

15 MS. KOMATIREDDY: Your Honor --

16 THE COURT: The answers she gave were that she could
17 be fair and that she would follow the instructions. But if
18 you thought that there was something that I missed, I'm
19 certainly happy to ask another question to see what her answer
20 is.

21 MS. KOMATIREDDY: Yes, Your Honor. In that case, I
22 would ask follow-up questioning on specific type of evidence.
23 Specifically, if you could ask the question that the law
24 permits the testimony of a single witness, including a
25 cooperator witness, can be sufficient to convict a defendant

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1 of a charged crime, can you -- are you able to convict an
2 individual of a crime based on a single witness' testimony
3 without documents, without video, without anything other than
4 the testimony?

5 MR. DE CASTRO: Judge, you asked that question.

6 THE COURT: I will ask again because I may --

7 MR. DE CASTRO: That's fine. That's fine.

8 THE COURT: -- because I may have missed some
9 nuance.

10 MR. DE CASTRO: Sure. I mean, just for the record,
11 I think what her answer was, and I guess she can clarify
12 again, is I would love to have corroboration, but if that's
13 all I have to work with, I will do what I have to do, I will
14 make an assessment.

15 THE COURT: Well, I will ask that and then I'll ask
16 more explicitly about the nullification issue because I did
17 hear that one and I think that's fair to ask a little bit
18 more.

19 MS. KOMATIREDDY: With the Court's indulgence, the
20 other question I would request is she noted in her previous
21 comments just now she would want as much as evidence as
22 possible. If the Court could instruct her that's not the
23 standard. The standard is proof beyond a reasonable doubt.
24 Not all proof, not as much proof as possible. Can she accept
25 that the standard is proof beyond a reasonable doubt and not

Prospective Juror No. 35

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1 the standard that she articulated?

2 THE COURT: Okay. Let's have Juror No. 35 come
3 back.

4 (Prospective Juror No. 35 enters.)

5 THE COURT: Hi, Juror No. 35. Sorry, just a couple
6 more questions.

7 THE PROSPECTIVE JUROR: It's okay.

8 THE COURT: So, just to follow up on the issue of as
9 much proof as possible. I think I heard you say that you
10 would want to have as much proof as possible.

11 The standard for conviction is beyond a reasonable
12 doubt. That's what the Government needs to prove in order for
13 there to be a guilty verdict. It's not as much as proof as
14 possible.

15 THE PROSPECTIVE JUROR: Got it.

16 THE COURT: And you can't ask for more proof than
17 what's been presented to you. Could you convict based on
18 proof -- could you convict based on proof beyond a reasonable
19 doubt even if you thought --

20 THE PROSPECTIVE JUROR: Yes.

21 THE COURT: -- you want as much as possible?

22 THE PROSPECTIVE JUROR: This is -- I don't mean to
23 parse hairs or split hairs.

24 THE COURT: That's okay. That's fair.

25 THE PROSPECTIVE JUROR: What is the definition of

Prospective Juror No. 35

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1 reasonable that the Government uses or what's beyond a
2 reasonable doubt? How do you define reasonable?

3 THE COURT: It's exactly what it sounds like. It's
4 not all doubt but it's reasonable doubt, so it's beyond a
5 reasonable doubt.

6 THE PROSPECTIVE JUROR: Got it. Yeah, I would
7 follow the instructions for that level of proof.

8 THE COURT: And then you also had talked about your
9 hesitancy to convict based on a single witness without
10 corroboration. The judge will instruct you that you could
11 convict on just the testimony of a single witness who's
12 cooperating with the Government if you found that witness to
13 be credible. So could you do that or would you say no, I need
14 more, if you felt that that met beyond a reasonable doubt?

15 THE PROSPECTIVE JUROR: I could get to I guess
16 beyond a reasonable doubt with one person if -- I'm so sorry.
17 Sorry.

18 THE COURT: It's very abstract.

19 THE PROSPECTIVE JUROR: It's so abstract, but I
20 guess all I could say is I would do my best. I like want to
21 do the right thing and stuff and like I said, follow
22 instructions and all of that.

23 THE COURT: And you think you could do it?

24 THE PROSPECTIVE JUROR: Yeah.

25 THE COURT: Last question is at one point you said

Prospective Juror No. 35

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1 you would follow the judge's instructions on the law, and I
2 said even if you disagreed with it and you said well, you kind
3 of -- you might have been saying there would be a circumstance
4 where you wouldn't follow the law. I just wanted to
5 understand whether that's the case or whether you would follow
6 the law even if you disagreed with it?

7 THE PROSPECTIVE JUROR: I guess in the context of
8 being on a jury you're instructed to follow the law despite
9 any Personal convictions you might have otherwise, that's
10 correct, right?

11 THE COURT: Uh-hum.

12 THE PROSPECTIVE JUROR: So, yes, I would -- I would
13 do that if I was on the jury. I think it would be hard if I
14 felt like there was a severe, like, miscarriage of justice. I
15 would find it personally upsetting. But if you're asking
16 whether I could do it under the instruction I've been given, I
17 could. Does that make sense?

18 THE COURT: Yes. And then the follow up for you is
19 would you?

20 THE PROSPECTIVE JUROR: Are you like -- if you tell
21 me to, I will, yes.

22 THE COURT: Yes. So if Judge Cogan said this is
23 what the law is and you think I don't agree with it, you would
24 still follow the law?

25 THE PROSPECTIVE JUROR: Yeah. It doesn't sound

Prospective Juror No. 35

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1 particularly pleasant, I have to say.

2 THE COURT: But you would do it?

3 THE PROSPECTIVE JUROR: Yeah.

4 THE COURT: All right. Thank you. Any follow-up
5 questions before we let this witness go back across the hall?

6 MS. KOMATIREDDY: No, Your Honor. Thank you.

7 MR. DE CASTRO: No, Your Honor.

8 THE PROSPECTIVE JUROR: Can I say one more thing? I
9 think they could find another person. I have to be honest.
10 I'm a little nervous about the potential impact on my career
11 not being around for this project.

12 I totally understand you guys need to do what you
13 need to do. I wanted to say that.

14 THE COURT: I appreciate that. Let me ask you,
15 would that impact you're sitting on the jury? Would you be
16 sitting there worried about your career or would you be
17 focused on the trial?

18 THE PROSPECTIVE JUROR: In here, yeah, it's very
19 good, that you would get my full, undivided attention. I
20 think after hours I will be thinking about work. When I'm in
21 here, I will focus, yeah.

22 THE COURT: Great. Thank you so much.

23 THE PROSPECTIVE JUROR: Thank you.

24 (Prospective juror 35 exits.)

25 THE COURT: I heard her say very clearly she could

Prospective Juror No. 36

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1 be fair, Your Honor. I realize I may be trying the Court's
2 patience. I think this person is trying to give the right
3 answers.

4 THE COURT: No, she is actually trying to get out
5 of jury service because she's worried about her job. So the
6 fact that she gave the answers that she did, I find her
7 credible. So we're done.

8 Anything else --

9 MS. KOMATIREDDY: No, Your Honor.

10 THE COURT: -- beyond repeating what you said?

11 MS. KOMATIREDDY: No.

12 THE COURT: All right. Juror No. 36.

13 (Prospective Juror No. 36 enters.)

14 THE COURT: Hi, Juror No. 36. You can put your bag
15 and your coat there if you want.

16 So I had a couple of follow-up questions for you.
17 You said that there would be a hardship for you sitting on
18 this jury because it's tax season.

19 THE PROSPECTIVE JUROR: Correct.

20 THE COURT: Can you talk about that?

21 THE PROSPECTIVE JUROR: Correct. I work for a top
22 12 accounting firm in Manhattan. Our busy season starts next
23 week and that will run through until April 18th, the tax
24 deadline day. During that time I will be devoting 60 to 70
25 hours per week, including weekends to my job.

Prospective Juror No. 36

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1 THE COURT: Okay. How big is the firm that you work
2 with?

3 THE PROSPECTIVE JUROR: We have -- this is only my
4 second year, so I'm brand-new to the company, but we have
5 offices across the country, as well as overseas.

6 THE COURT: And would there be people who could
7 cover for you if you were called to serve on this jury?

8 THE PROSPECTIVE JUROR: I'm already devoted to 400
9 hours for clients that I've been serving for the past six
10 months. They're expecting me to get that work done. I'm sure
11 it will be very difficult to find people, especially the
12 knowledge I have with the group. I think that would be a
13 little difficult.

14 THE COURT: The trial is scheduled to end in early
15 March. You would have another month before the tax deadline.

16 THE PROSPECTIVE JUROR: Correct, but these clients,
17 it could vary depending on a when they send their information
18 in, so this could be any time between February and, like I
19 said, April.

20 THE COURT: You also said you have a vacation?

21 THE PROSPECTIVE JUROR: Correct. In two days.

22 THE COURT: In two days?

23 THE PROSPECTIVE JUROR: Correct.

24 THE COURT: You're going to Vermont.

25 THE PROSPECTIVE JUROR: Correct.

Prospective Juror No. 36

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1 THE COURT: That can't be postponed.

2 THE PROSPECTIVE JUROR: I took off already. I have
3 scheduled PTO approved by my company. I could potentially ask
4 them, but that has been approved for two weeks now.

5 THE COURT: You say until the 23rd, would you be
6 coming back on the 23rd?

7 THE PROSPECTIVE JUROR: Correct. I would be leaving
8 Vermont on the 23rd in the morning.

9 Because the Court doesn't sit on Friday. Friday
10 wouldn't be a problem?

11 THE PROSPECTIVE JUROR: Uh-hum.

12 THE COURT: But you're saying Thursday -- well,
13 actually, it's this week. Trial won't even start necessarily.

14 THE PROSPECTIVE JUROR: Correct. I was just told to
15 put anything down, so I included that.

16 THE COURT: Thank you. Thank you for letting us
17 know.

18 You also talked about some law enforcement ties,
19 that you have a roommate and friends who are with NYPD, or
20 other police departments.

21 THE PROSPECTIVE JUROR: Correct. A lot of my
22 collegiate teammates -- I played sports in college -- they're
23 Nassau and Suffolk police, and my sister's boyfriend is NYPD
24 officer.

25 THE COURT: And The fact that you have these

Prospective Juror No. 36

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1 connections with law enforcement, would that affect your
2 ability to be fair?

3 THE PROSPECTIVE JUROR: No.

4 THE COURT: So you would assess the credibility of a
5 law enforcement witness just like anyone else?

6 THE PROSPECTIVE JUROR: Correct.

7 THE COURT: And You said you got some news
8 notifications about this case or about when El Chapo was
9 arrested. Can you talk about that?

10 THE PROSPECTIVE JUROR: Correct. I have a bunch of
11 apps on my phone, just news apps. I see a bunch different
12 notifications. I just remember that I saw something after I
13 look at the statement A on the back of the packet just related
14 to individuals that were listed. And I, you know, didn't
15 really open the notification. I just saw it, deleted it, just
16 like a bunch of the other ones that I do.

17 THE COURT: As you stand there today, do you have
18 any view on this case?

19 THE PROSPECTIVE JUROR: No. No.

20 THE COURT: Would you be able to avoid the news --

21 THE PROSPECTIVE JUROR: Yes.

22 THE COURT: -- if picked?

23 THE PROSPECTIVE JUROR: Yes.

24 THE COURT: Okay. And you say here you're not sure
25 if you would be paid your salary.

Prospective Juror No. 44

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1 THE PROSPECTIVE JUROR: Yes.

2 THE COURT: Can you talk about that?

3 THE PROSPECTIVE JUROR: That's just because I'm
4 still new to the firm, I would say, that I don't know their
5 policy directly. That's something that I would have to
6 inquire.

7 THE COURT: So could you find out because we have
8 had some people who have told us that their employers, after
9 they have inquired, it turns out that they can pay them.

10 THE PROSPECTIVE JUROR: Uh-hum. I just don't know
11 if tax season would affect that. I would have to get
12 clarification. Like I said, it's just a lot of clients that I
13 cover and a lot of hours, I would have to see with them.

14 THE COURT: Okay. If you could make the inquiry and
15 then let the jury office know that I asked you to find out,
16 that would be useful.

17 THE PROSPECTIVE JUROR: Will do.

18 THE COURT: Any follow-up questions?

19 MS. KOMATIREDDY: No, Judge.

20 MR. DE CASTRO: No.

21 THE COURT: Thank you.

22 THE PROSPECTIVE JUROR: Thank you so much.

23 (Prospective juror 36 exits.)

24 THE COURT: All right. We will have Juror No. 44.

25 (Prospective Juror No. 44 enters.)

Prospective Juror No. 44

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1 THE COURT: Hi, come on up to the podium. You can
2 put your coat and bag down if you want.

3 How are you doing?

4 THE PROSPECTIVE JUROR: Good. How are you?

5 THE COURT: Good. I understand that you need to
6 leave a little bit early today because your husband is having
7 surgery.

8 THE PROSPECTIVE JUROR: I'm asking to be excused
9 from jury duty actually.

10 THE COURT: Go ahead.

11 THE PROSPECTIVE JUROR: Can I continue?

12 THE COURT: Go ahead.

13 THE PROSPECTIVE JUROR: He has a knee surgery and it
14 has been cancelled for a few months. They just got a
15 cancellation with a new doctor. All of this unfolded
16 basically after the first visit to the jury duty and now he's
17 not going to be able to walk. I have his doctor's letter. He
18 cannot put weight on his knee and he's the one who takes my
19 kids to school in the morning. And I have a five year-old and
20 nine-year-old. I brought their birth certificates. I realize
21 now that there was a form to fill out, you know, before you go
22 on jury duty. But it also said four or five days, maybe
23 longer and, you know, the time -- I haven't been to jury duty,
24 and in four to five days he was able to -- he drops them off
25 in the morning and I pick them up afterwards. I have an early

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1 dismissal, 2:50. I can pick them up within time, but now I
2 have to do everything and I won't be able to come in time.

3 MR. DE CASTRO: We have no objection.

4 MS. KOMATIREDDY: We have no objection.

5 THE COURT: That's fine. Thank you for letting us
6 know. You are excused.

7 THE PROSPECTIVE JUROR: Do you need this?

8 THE COURT: I don't need that. I take your word for
9 it.

10 THE PROSPECTIVE JUROR: I really appreciate it.
11 Thank you. Like I said, this unfolded like right --

12 THE COURT: Sure. I understand.

13 THE PROSPECTIVE JUROR: Thank you so much.

14 THE COURT: Thank you for your service.

15 THE PROSPECTIVE JUROR: Have a good one.

16 THE COURT: You too.

17 THE PROSPECTIVE JUROR: Bye.

18 (Prospective juror 44 excused.)

19 THE COURT: Okay. Let's just take a quick break
20 here for the lawyers. You can tell me if there are any for
21 cause motions that you didn't make that you would like to make
22 now. Let's start with Mr. de Castro.

23 MR. DE CASTRO: No, Judge. Actually, let me just
24 confer with my colleagues.

25 THE COURT: Okay.

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1 MR. DE CASTRO: We have no further cause.

2 THE COURT: For the Government?

3 MS. KOMATIREDDY: Yes, Your Honor, we have two, and
4 we have one request for a follow up that we thought about over
5 the break.

6 First, with respect to the follow up, Your Honor,
7 Juror No. 27, it's unclear to us --

8 THE COURT: Hold on one second. Juror No. 27.

9 MS. KOMATIREDDY: Juror No. 27, in considering his
10 answers further, it seemed to be that he was worried. He
11 mentioned that he had not gotten COVID yet and he had asked
12 about the mask wearing policy. It's our understanding that
13 the masks will be optional, not mandatory. I just wanted to
14 check that he would feel comfortable serving on a jury. If
15 that's the case, the attorneys are not intending to wear
16 masks, the witnesses will not be wearing masks. I just wanted
17 to mark that as a potential follow-up area for that juror.

18 THE COURT: All right. I can certainly ask him.
19 When people ask about COVID policies, it can go two ways,
20 right: Some people don't want to wear masks because they're
21 uncomfortable and the others would rather that everybody wore
22 masks. I don't remember which way it went.

23 Mr. de Castro?

24 MR. DE CASTRO: I thought you were clear on that.
25 He asked the question. You answered him and he said okay.

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1 And that was sort of it.

2 THE COURT: They are still here, so I can bring him
3 in and just ask him the question.

4 MR. DE CASTRO: Yes.

5 THE COURT: Because I'm not presiding, so I don't
6 set the courtroom policy, so I would just like to be clear on
7 what his concern is.

8 MR. DE CASTRO: Correct. I understand.

9 THE COURT: Like I said, it goes two ways.

10 MS. KOMATIREDDY: I want to make sure he is focused
11 on the evidence, Your Honor, and not his personal health.

12 With respect to Juror No. 29, I know there was some
13 back and forth about his -- whether he will be paid and he --
14 we don't yet have an answer on that; is that right, Your
15 Honor?

16 The one who Googled it.

17 (Continued on next page.)

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1 THE COURT: Juror 29 did the Google search and I
2 asked him to -- I think we wanted to hear from what the call
3 center said. I don't think I told him that. I can tell
4 him -- I can have him brought back and then ask him if he
5 heard from the call center. And if not, to let us know as
6 soon as he does.

7 MS. KOMATIREDDY: I'm not sure what the defendant's
8 position is on this, given his multiple ways of -- I
9 understand he has this issue with his mother, so we don't have
10 an objection, if the defense doesn't have objection, letting
11 him go for hardship.

12 MR. DE CASTRO: We had no objection before.

13 THE COURT: Okay. So let him go for hardship?

14 MR. DE CASTRO: Yes.

15 THE COURT: Okay.

16 MS. KOMATIREDDY: With respect to Juror No. 34, the
17 individual who indicated he's a landlord and would have issues
18 with tenants, that is not an issue.

19 Our concern is that in expressing that he believes
20 the U.S. is partially responsible for the situation with
21 respect to the drugs. In response to Your Honor's question
22 whether he could be fair and impartial, he equivocated. He
23 said: I don't know; yeah, I think so, but in the back of my
24 mind that will always be there. We thought that was
25 insufficient. We were concerned that that is something that

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1 will predisposition him to be biased against the government.

2 We would ask to move to strike for cause on that.

3 THE COURT: Okay. So I can ask him, even if it's in
4 the back of his mind, whether he could set it aside. I didn't
5 write down that it will always be there, so I can clarify that
6 part of it. I heard him say: I hope I can be fair. I can
7 press him again to the point where he would say either he
8 doesn't know or I can't be fair or I believe I can be fair.

9 MS. KOMATIREDDY: And finally, Your Honor, on Juror
10 No. 9. This is the juror who repeatedly stated that their
11 judgment would be colored by their view on cooperating
12 witnesses. And they stated it would be colored by the fact
13 that they are a criminal, they're convicted, and they're
14 actually convicted of being a criminal and it's not just
15 hearsay.

16 We have two concerns.

17 One is that they repeatedly said -- again, in
18 response to Your Honor's questions, they kept caveating it
19 with: I'll try my best, but my judgment will be colored. We
20 don't think that that's unequivocal fairness and impartiality.

21 And second, in his reference to something being just
22 hearsay, I will note that quite a body of the evidence in this
23 case involves coconspirator statements, which are admissible
24 under the hearsay rules, but our concern is that he will not
25 accept the evidence, presented evidence, given his remark

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1 about hearsay.

2 THE COURT: So you're saying hearsay is permissible?

3 MS. KOMATIREDDY: Hearsay is permissible,
4 Your Honor. It will be permissible in this trial as evidence
5 in this case.

6 And my concern, again, is that this is another
7 instance of an individual who will not accept a witness's
8 testimony alone as sufficient, should that witness be found
9 credible.

10 THE COURT: Well, he didn't say that. But if he
11 said -- I didn't note the hearsay part of it. And it
12 surprises me that hearsay -- normally people think hearsay
13 would not be admissible, let alone sufficient. So if you're
14 saying that hearsay is permissible in this case and the Judge
15 instructs him so, whether he could follow that instruction?

16 MS. KOMATIREDDY: Yes, Your Honor.

17 My concern is that an individual who is not a lawyer
18 coming in and saying it's just hearsay, that I interpreted as
19 someone saying something about someone else is not sufficient
20 proof.

21 THE COURT: That's not always what people say.

22 MS. KOMATIREDDY: It's not. And if there's further
23 inquiry on that to clarify, I would appreciate it. Our
24 concern is that, again, the evidence in this case consists of
25 witness testimony and I wouldn't want a juror who cannot

Prospective Juror No. 9

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1 accept that the witness testimony alone can be sufficient
2 evidence.

3 THE COURT: All right.

4 MR. DE CASTRO: First of all, what she's talking
5 about is not hearsay. And Judge Cogan will instruct them it
6 is not hearsay, coconspirator statements. He's an intelligent
7 man, he understands, he'll follow instructions, but the
8 government wants followup.

9 THE COURT: I can follow up just to say -- you know,
10 I didn't hear him say hearsay. And I will inquire as to
11 whether he will be able to follow the instruction that there
12 does not have to be corroborating evidence. Okay?

13 So can we get Jurors 27, 29, 34 and 9 lined up?

14 It should be very short.

15 Any order is fine.

16 (Prospective Juror No. 9 enters.)

17 THE COURT: Hi, Juror No. 9.

18 I had a couple of followup questions for you.

19 You had said, when we talked this morning, that your
20 judgment would be colored with regard to cooperating
21 witnesses. And you also said something along the lines of you
22 would want something more, like a corroborating evidence.

23 Maybe I wrote it down wrong, but did you say
24 something about how you -- can you talk a little bit more
25 about when you said your judgment would be colored?

Prospective Juror No. 9

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1 THE PROSPECTIVE JUROR: Well, you had asked me if I
2 would be able to render fairly. And I said that I would,
3 having heard everything. Because if I just heard that they
4 had taken a deal and they were going to testify, it might be
5 colored. But if there was more with it, I would be able to.

6 THE COURT: And what would be the more?

7 THE PROSPECTIVE JUROR: It would have to be in
8 context. I wouldn't be able to answer that.

9 THE COURT: If at the end of the day the more just
10 came in as part of their testimony, in other words, if there
11 wasn't physical evidence like fingerprints, you know, things
12 like that or somebody else saying it, if it was just on their
13 testimony, would that be something that you -- and the Judge
14 instructed you that testimony alone is sufficient to convict,
15 would you still want more or would you say okay, that's
16 enough?

17 THE PROSPECTIVE JUROR: If the Judge instructed me,
18 I would accept it.

19 THE COURT: And even if there was, that would be
20 enough, you would still say yes?

21 THE PROSPECTIVE JUROR: Yes.

22 THE COURT: Okay. Was there any followup question?

23 MS. KOMATIREDDY: No, thank you, Judge.

24 THE COURT: Great. Thank you so much.

25 (Prospective Juror 9 exits.)

Prospective Juror No. 27

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1 (Prospective Juror No. 27 enters.)

2 THE COURT: Hello. You're juror No. 27?

3 THE PROSPECTIVE JUROR: 27.

4 THE COURT: So you had told us this morning that you
5 had some concerns about COVID, you had a question about it.

6 THE PROSPECTIVE JUROR: Right. Yup.

7 THE COURT: Was there a specific concern about
8 COVID?

9 THE PROSPECTIVE JUROR: No. I'm just worried about
10 getting it, you know, because I'm -- I'm not 70 yet, but close
11 to it. So far, like I said, knock on wood, I haven't had it.
12 But I am a little concerned because a bunch of my friends who
13 hadn't gotten it have gotten it over the last month or so. So
14 a little concerned.

15 THE COURT: And would it concern you if you were
16 wearing a mask but other people weren't?

17 THE PROSPECTIVE JUROR: Yeah, a little bit. I mean,
18 I guess I could say I'll survive, in quotes, but it wouldn't
19 be a deal breaker. But I'd be happier if I was wearing a mask
20 that was in a confined space.

21 THE COURT: Okay. Because I understand that the
22 parties presenting the case and the witnesses will not be
23 wearing a mask, but they would be far away.

24 THE PROSPECTIVE JUROR: Yeah. If I'm in the jury
25 box and everyone's wearing a mask or we're separated, you

Prospective Juror No. 27

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1 know, that would probably be okay.

2 THE COURT: But it might be a jury box that looks
3 like this one, where people are not very far apart.

4 THE PROSPECTIVE JUROR: Yeah. Well, if everyone was
5 wearing a mask in the jury box. I don't know if that's
6 something the Judge would do, so that would be somewhat of a
7 concern, but I don't know if it would be a deal breaker or
8 not.

9 THE COURT: Yes, I mean, I don't know, because some
10 people --

11 THE PROSPECTIVE JUROR: Yeah.

12 THE COURT: I will have a discussion with the
13 lawyers about that.

14 But if there were jurors who for some reason would
15 not wear a mask, would that be an issue for you?

16 THE PROSPECTIVE JUROR: I guess if I could sit next
17 to the people -- if we have a masked and a non-masked section?
18 And a no-smoking section.

19 THE COURT: Okay. I hear you. I hear you. Thank
20 you for letting me know. That's a good idea.

21 THE PROSPECTIVE JUROR: Is that it?

22 THE COURT: Yes.

23 THE PROSPECTIVE JUROR: Thank you.

24 THE COURT: Thanks.

25 (Prospective Juror No. 27 exits.)

Prospective Juror Nos. 29 and 34

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1 (Prospective Juror No. 29 enters.)

2 THE COURT: Juror 29, yes. So you're excused. You
3 can go to the second floor.

4 THE PROSPECTIVE JUROR: Thank you.

5 THE COURT: All right. Thank you.

6 (Prospective Juror No. 29 exits.)

7 (Prospective Juror No. 34 enters.)

8 THE COURT: Hi. Come up. We have just a few
9 followup questions for you.

10 So earlier you said that you thought the
11 United States was partially responsible for the drug
12 situation.

13 THE PROSPECTIVE JUROR: Yes.

14 THE COURT: And that it was in the back of your mind
15 and would always be there.

16 So I just wanted to clarify whether you could set
17 aside that thought and be fair to the parties in the case even
18 if the case involved drug trafficking?

19 THE PROSPECTIVE JUROR: I'm not sure.

20 THE COURT: You're not sure?

21 THE PROSPECTIVE JUROR: Not sure.

22 THE COURT: Okay. What is causing you to be unsure?

23 THE PROSPECTIVE JUROR: Well, I mean, the history of
24 making things illegal, like during Prohibition and stuff like
25 that, where, you know, if you make things illegal, basically

1 there's going to be a lot of criminality because there's
2 always going to be people trying to make profit off of it.
3 And they can make huge profits off of it if it's illegal.

4 THE COURT: And, you know, those are policy
5 questions about whether it works or it doesn't work, if it's a
6 good idea or not a good idea.

7 THE PROSPECTIVE JUROR: Of course. I'm saying, if
8 you do that and then you say -- and then you go to people who
9 are profiting because of the illegality, then it's
10 questionable.

11 THE COURT: And so how would that play out for you?
12 If you were to sit on the jury and you heard evidence that
13 convinced you beyond a reasonable doubt that a person was
14 guilty of drug trafficking, would you say I'm not going to
15 render a guilty verdict because I just don't think this is a
16 good idea?

17 THE PROSPECTIVE JUROR: Yeah. Maybe. Maybe.

18 THE COURT: Yeah? Okay.

19 Even if the evidence was there?

20 THE PROSPECTIVE JUROR: Yeah. I think so.

21 THE COURT: All right.

22 MR. DE CASTRO: No objection.

23 THE COURT: Thank you.

24 So why don't you go to the second floor. You're
25 excused.

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1 THE PROSPECTIVE JUROR: Thank you very much.

2 (Prospective Juror No. 34 exits.)

3 THE COURT: So I think that takes care of all the
4 morning people, as well as Juror No. 34.

5 Is there anything else before we bring in the
6 afternoon batch?

7 MS. KOMATIREDDY: With respect to Juror No. 27,
8 Your Honor, I believe based on our observations of
9 Judge Cogan's policies, he does not require all the jurors to
10 wear masks.

11 THE COURT: Yes, but I would think there could be an
12 accommodation for reshuffling the jurors either at the end,
13 for example, or next to jurors with masks.

14 MS. KOMATIREDDY: We totally defer to the Court,
15 Your Honor. I'm just letting you know.

16 THE COURT: Okay. So if you could -- if he ends up
17 being seated as a juror, remind Judge Cogan that we had this
18 discussion. I'm sure he'll bring it up as well. But I think
19 it could be done because it's just a question of moving people
20 around and you would have to keep track of where he's sitting.
21 But I will check with Judge Cogan as well, to see if that can
22 be accommodated.

23 MS. KOMATIREDDY: Thank you, Judge.

24 THE COURT: Okay.

25 So do the parties -- should we just go ahead and

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1 launch in the afternoon batch and take a break after a
2 half-hour or so?

3 MS. KOMATIREDDY: Yes.

4 MR. DE CASTRO: That would be -- a break would be
5 great, Judge.

6 The only question I had was, we skipped 12. I think
7 you said 12 didn't come, right?

8 THE COURT: They didn't show up.

9 MR. DE CASTRO: Okay. Just making sure. Thank you.

10 THE COURT: No problem.

11 So since we've got a late start this afternoon,
12 should we just bring in Juror No. 37?

13 Oh. Oh, yes, you're right.

14 So what I wanted to do is let the morning group go.
15 They don't need to come in tomorrow. I don't think we're
16 going to be done and ready tomorrow, so we'll have them come
17 in 8:30 on Thursday. So if we are ready for peremptories,
18 we'll do that then. If we're not ready, then they can wait a
19 little bit until we're done. If it looks like we're not going
20 to be done on Thursday, we can call them come back on Friday.
21 I'm sure nobody will have a problem with that. But I don't
22 see a need for them to come back tomorrow.

23 Does anybody have any objection to doing it that
24 way?

25 MS. KOMATIREDDY: No objections, Your Honor. I

Jury Selection

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1 think it wouldn't be Friday, it would be Monday in that case.

2 THE COURT: Why not?

3 MS. KOMATIREDDY: Because the Judge doesn't want to
4 sit on Fridays.

5 THE COURT: Yes, but I am here. So I would take the
6 jury on Friday if we needed to. We wouldn't start the trial
7 until Monday.

8 MS. KOMATIREDDY: I understand.

9 THE COURT: But if we haven't finished picking the
10 jury by Thursday, I intend to sit on Friday to pick the jury
11 so Judge Cogan could be ready to go Monday.

12 MS. KOMATIREDDY: I understand, Judge.

13 THE COURT: But in any event, I will ask the jurors
14 to be brought in so I can tell them to come back on Thursday
15 morning at 8:30. Okay? And then we'll bring the next.

16 Just the morning people.

17 (Prospective jurors enter.)

18 THE COURT: Hello, everyone. It's great to see you
19 all again. I know you've all be patiently waiting since this
20 morning and I had a chance to speak with all of you.

21 MR. DE CASTRO: I'm sorry to interrupt. I'm so
22 sorry.

23 THE COURT: That's okay.

24 MR. DE CASTRO: Could we have a very, very quick
25 sidebar?

Sidebar

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1 THE COURT: Apologies. Let me talk to the lawyers
2 for a minute.

3 (The following occurred at sidebar.)

4 MR. DE CASTRO: I'm sorry about that, Judge.

5 THE COURT: That's okay.

6 MR. DE CASTRO: We were just wondering if it made
7 sense for the Court's deputy, before they leave, to see if
8 they got answers on the pay. Because some people were
9 calling. We had six people, I think, that were still going to
10 give an answer. Because of course if they got an answer, they
11 don't have to come tomorrow or whatever. We don't think it
12 needs to be in open court, just if the Court's deputy wants to
13 inquire of those people.

14 THE COURT: I didn't keep a list.

15 MR. DE CASTRO: I have a list. I will confirm.

16 THE COURT: Okay.

17 MS. KOMATIREDDY: Thank you, Judge.

18 (Sidebar ends.)

19 THE COURT: All right. Sorry about that.

20 So I know you've all been patiently waiting since
21 this morning. So for you all, you're excused for the day.
22 And also, you don't have to come in tomorrow. But please come
23 here on Thursday morning at 8:30 so that we can resume the
24 jury selection process.

25 There are a couple of other jurors. You probably

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1 saw them. We'll be talking to them this afternoon. There
2 will be some other jurors coming in tomorrow. So we
3 anticipate that you don't need to come in tomorrow. And you
4 don't need to call in to find out whether you need to come in.
5 Just come here Thursday morning at 8:30 and we will resume the
6 jury selection process.

7 Now, there are a couple of you who were supposed to
8 call your employers to find out whether you're going to get
9 paid during the jury service time. So for those of you,
10 please, if you are on your way out, let my staff know if
11 you've already gotten an answer from your employer about your
12 pay. You can let Lindsey know -- she's waving at you --
13 whether you know already. And if you know, she'll write it
14 down. If you don't yet have an answer, when you do know,
15 please call the jury office and let them know that Judge Kuo
16 is waiting to hear the answer to that question and relate it
17 to them. And then we'll let you know the result of our
18 discussion. Okay?

19 But for the rest of you who don't have an issue that
20 needs to be followed up on, we'll just see you here again
21 Thursday morning at 8:30. And.

22 Then the rest of you, if you have that particular
23 question, please let Lindsey know what the situation is or
24 call the jury staff on Tuesday if you don't know.

25 Thank you again. You've all been wonderful. This

Jury Selection

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1 has been a very pleasant day. And so we'll pick up again on
2 Thursday morning. Thank you very much. Enjoy your evening.

3 (Prospective jurors exit.)

4 THE COURT: All right. So shall we call in Juror
5 No. 37.

6 Before we do that, what would you like me to
7 question, this juror has a 99-year-old mother in the hospital,
8 so I'll start there.

9 MR. DE CASTRO: For 37, I have 20, 35, 47, 48, 49,
10 56, 66, and there's a hardship.

11 THE COURT: Okay.

12 MS. KOMATIREDDY: That covers ours as well,
13 Your Honor.

14 THE COURT: Okay. For 20, Mr. De Castro, the person
15 says is an elected government official. What do you want
16 to --

17 MR. DE CASTRO: I thought we would just find out
18 if --

19 THE COURT: Without revealing the identity.

20 MR. DE CASTRO: What are you? There's lots of
21 government officials in this case, so it's sort of one of
22 these.

23 THE COURT: Oh, I see. Okay. So I can ask it that
24 way rather than identifying.

25 MR. DE CASTRO: Right, exactly.

Prospective Juror No. 37

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1 Where? Like what kind of? What kind of, really.

2 THE COURT: Yes, got it.

3 And what kind of followup would there be?

4 MR. DE CASTRO: Suppose, you know, just municipal
5 what level of government, what does that mean you do
6 generally?

7 THE COURT: And then I would ask a followup question
8 if there is -- the defendant here was an elected government
9 official?

10 MR. DE CASTRO: No.

11 THE COURT: Was a government official.

12 MR. DE CASTRO: A government official of a country
13 appointed, but selected I guess.

14 THE COURT: Okay. Great.

15 (Prospective Juror No. 37 enters.)

16 THE COURT: Hi, Juror No. 37. Come up here, please.
17 How are you doing?

18 THE PROSPECTIVE JUROR: Fine. Thank you.

19 THE COURT: You can feel free to put your coat and
20 your bag on the chair.

21 We just had a few followup questions on the answers
22 you gave on the questionnaire.

23 And I'll start with your hardship answer.

24 You said your mother is in the hospital?

25 THE PROSPECTIVE JUROR: Well, she's been released to

Prospective Juror No. 37

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1 a nursing home, but she's been in and out of the hospital
2 since December 5th.

3 THE COURT: I'm sorry to hear that.

4 What does that require of you in terms of care?

5 THE PROSPECTIVE JUROR: Well, you know, essentially
6 she's -- I'm her power of attorney, so, you know, the nursing
7 facility where she is right now, I mean, they'll contact me if
8 they need to, you know, do anything or get permission to do
9 anything.

10 THE COURT: And are they contacting you now,
11 throughout the day, or how does that work?

12 THE PROSPECTIVE JUROR: Not throughout the day. I
13 mean, I have -- you know, she has aides with her that do keep
14 in touch with us during the day. But if there's, you know,
15 any kind of emergency, they would need to be able to reach me,
16 you know, essentially.

17 THE COURT: Okay. I mean, there are different
18 degrees --

19 THE PROSPECTIVE JUROR: She's in heart failure.

20 THE COURT: I see. Okay.

21 So is it the kind of -- I hate to probe on this and,
22 you know, I don't want to sound heartless, but is it the kind
23 of situation where an emergency is likely to happen or it's
24 sort of in a steady state where it might happen, but you're
25 not sure?

Prospective Juror No. 37

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1 THE PROSPECTIVE JUROR: Well, she's not -- you know,
2 she's stable now. And, you know essentially, you know,
3 anything could happen at any time because she's 99, and, you
4 know, her condition may be deteriorating. But she's not in
5 hospice and nobody has, you know, told us that, you know, it's
6 imminent.

7 THE COURT: Okay. So let me move on to some other
8 questions.

9 You said that you're an elected government official.
10 I don't want you to identify yourself, but what level is it,
11 municipal, federal, state level?

12 THE PROSPECTIVE JUROR: Town.

13 THE COURT: Town. Okay.

14 And in this case there is a government official on
15 trial, not elected but appointed. Do you think that your
16 background would affect your ability to be fair and impartial
17 to this defendant?

18 THE PROSPECTIVE JUROR: I don't think that
19 background would affect my ability to be fair and impartial.

20 THE COURT: And then you also said that you -- you
21 expressed a view about the drug cartels.

22 Let me see what you wrote. You believe El Chapo
23 Sinaloa Cartel and associates are drug dealers and murderers.
24 Can you tell me a little bit more about how that might affect
25 your ability to be fair and impartial in this jury?

Prospective Juror No. 37

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1 THE PROSPECTIVE JUROR: Well, I mean, essentially
2 there has been a lot of information about them for a long
3 period of time and, you know, I have to say, you know,
4 honestly, it's probably prejudiced my opinion about who they
5 are and what they do.

6 THE COURT: Right.

7 THE PROSPECTIVE JUROR: You know, I do think that
8 they present a great threat to this country and have been.

9 THE COURT: And when you say "they"?

10 THE PROSPECTIVE JUROR: Well, I would say the drug
11 cartels.

12 THE COURT: Okay. Well, this case will be about
13 whether a particular individual is involved in that. And so
14 do you think you could be fair in assessing whether somebody,
15 specifically the defendant in this case, is guilty of the
16 crimes charged?

17 THE PROSPECTIVE JUROR: I think that I can be fair
18 in any case.

19 THE COURT: Have you already prejudged whether this
20 particular defendant is involved in the drug dealing?

21 THE PROSPECTIVE JUROR: No.

22 THE COURT: No. Okay.

23 And of the things you've heard and read, have you
24 heard anything about Mr. Garcia Luna?

25 THE PROSPECTIVE JUROR: I've never heard of him.

Prospective Juror No. 37

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1 THE COURT: No. Okay.

2 Any followup questions?

3 Oh, wait. I have one about law enforcement.

4 So you said that when you were running for office,
5 you were endorsed by police departments and unions and you're
6 very supportive of law enforcement.

7 Could you assess the testimony of a law enforcement
8 witness the same as any other witness or would you give them
9 more weight just because they're law enforcement?

10 THE PROSPECTIVE JUROR: Well, I think that I could
11 assess their testimony the same as anybody else.

12 THE COURT: Okay. And would you be fair to both the
13 defendant and the prosecution in this case?

14 THE PROSPECTIVE JUROR: I would be.

15 THE COURT: All right. Any followup?

16 MR. DE CASTRO: 47 and 48, Judge.

17 THE COURT: Okay. Let me see.

18 Ah, yes. You said your son is in -- just graduated
19 law school. Congratulations.

20 THE PROSPECTIVE JUROR: Thank you.

21 THE COURT: And passed the Bar and his application
22 is pending, including that he interned in a D.A.'s office.

23 So would the fact that your son worked for a D.A.'s
24 office impact your ability to be fair in this case, or would
25 you tend to favor prosecution?

Prospective Juror No. 37

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1 THE PROSPECTIVE JUROR: No, it wouldn't.

2 THE COURT: And then you talked about your son had
3 applied for an EDNY internship. Was that with the court or
4 the U.S. Attorney's Office?

5 THE PROSPECTIVE JUROR: It was with the U.S.
6 Attorney's Office.

7 THE COURT: And so again, it has to do with your
8 son's involvement with prosecutors' offices, would that affect
9 your ability to be fair, especially given that the government
10 is represented in this case? I don't know whether or not he
11 was accepted or not with the internship. So would it affect
12 your view of that office in any way?

13 THE PROSPECTIVE JUROR: No.

14 MR. DE CASTRO: Judge, can I ask which -- or can the
15 Court ask which U.S. Attorney's office?

16 THE COURT: It was EDNY.

17 MR. DE CASTRO: I'm sorry.

18 THE COURT: Anything else?

19 MS. KOMATIREDDY: No, thank you, Judge.

20 THE COURT: Is there any reason you could not be
21 fair and impartial?

22 THE PROSPECTIVE JUROR: No.

23 THE COURT: Okay. Thank you.

24 THE PROSPECTIVE JUROR: That's it?

25 THE COURT: You can go back across now.

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1 (Prospective Juror No. 37 exits.)

2 THE COURT: So I had some concern about his mother's
3 health and I don't know how the parties feel about it. It's
4 so hard to predict if you have a mother who is 99 in the
5 hospital.

6 MR. DE CASTRO: My only followup I was going to
7 suggest, Judge -- I didn't want to do it on the record -- just
8 to make sure his mind is not elsewhere. He was just a little
9 bit --

10 THE COURT: Yes, I could sense that.

11 MR. DE CASTRO: It seems like he was sad and
12 concerned for her. I want to make sure his mind isn't
13 elsewhere.

14 THE COURT: And especially somebody who has to leave
15 their cell phone downstairs and if something should happen.

16 He didn't want to say that it's dire, but I did pick
17 up that vibe and I just wanted to see what the parties felt
18 about it.

19 MR. DE CASTRO: That was my only request, that you
20 follow up just to make sure his mind -- he's not going to have
21 his phone during the day, his mind and he's going to give us
22 all of his attention. That's all.

23 MS. KOMATIREDDY: Your Honor, I was just curious to
24 hear his answers on that. Hearing that she's stable, she's in
25 a nursing home, that gave me assurance that he's not there

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1 responsible for her care on a day-to-day basis, unlike some
2 other jurors. That's why I thought it was fine. He's also
3 someone carrying out public duties every day and this is a
4 different type of public duty.

5 THE COURT: Yes, but he doesn't have his cell phone,
6 you know, and understanding how things are when somebody is in
7 the hospital or the nursing home when things happen, even a
8 few hours delay sometimes is a problem.

9 I just wasn't sure how the parties felt about it.

10 MS. KOMATIREDDY: We didn't have a concern.

11 THE COURT: You don't have a concern?

12 MS. KOMATIREDDY: We do not have a concern.

13 MR. DE CASTRO: My concern is, I would like you to
14 follow up with him, Judge.

15 THE COURT: Just about the mind?

16 MR. DE CASTRO: Yes. And what the Court expressed
17 regarding lack of contact with the outside world during the
18 day.

19 THE COURT: Well, if the other juror is here, let's
20 have that juror come in and we can have 37 come back after
21 this.

22 So Juror 38 also has a hardship answer, so I'll
23 start there.

24 (Prospective Juror No. 38 enters.)

25 THE COURT: Hi, Juror No. 38. Come on up to the

Prospective Juror No. 38

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1 podium, please.

2 THE COURTROOM DEPUTY: You can put your things on
3 the chair if you would like.

4 THE COURT: All right. We just had a few followup
5 questions --

6 THE PROSPECTIVE JUROR: Hi.

7 THE COURT: --based on your answers.

8 And I'll just start with your response to the
9 question about whether sitting on this trial would be a
10 hardship, and you said eight weeks would be a hardship.

11 THE PROSPECTIVE JUROR: An incredible hardship with
12 my job, yeah.

13 THE COURT: Okay. Tell me about it.

14 THE PROSPECTIVE JUROR: Oh. Well, I basically
15 manage my department under my direct manager at work and we
16 run a multimillion-dollar-a-year business and it's very --

17 THE COURT: How many dollar-a-year?

18 THE PROSPECTIVE JUROR: Multimillion dollars.

19 And it would be very hard for me to be away for
20 really any duration because my coworker is on maternity leave
21 and I just started training somebody brand new.

22 THE COURT: How big is your company?

23 THE PROSPECTIVE JUROR: The company itself, it's a
24 worldwide company. There's about 150 employees worldwide. In
25 my specific office in New York, I think we have about 75

Prospective Juror No. 38

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1 employees.

2 THE COURT: How many?

3 THE PROSPECTIVE JUROR: 75.

4 THE COURT: 75?

5 THE PROSPECTIVE JUROR: Yeah.

6 But each of our departments are very individual and
7 unique. We don't have much interaction with, like, our other
8 products, I guess would best word it.

9 THE COURT: Okay. And what would happen if you're
10 not there?

11 THE PROSPECTIVE JUROR: Orders wouldn't be placed,
12 orders wouldn't ship. We would severely hinder a lot of our
13 customers' business, to be honest.

14 THE COURT: Well, the good news is that the Court
15 doesn't sit on Friday, so you can still work on Friday. So
16 you wouldn't be missing the four other days of work.

17 And if other people could fill in for you?

18 THE PROSPECTIVE JUROR: There isn't because my
19 coworker is on maternity leave and I'm training somebody brand
20 new who, to be honest, is not grasping the job at all. We're
21 a small team, three people.

22 THE COURT: And if the things didn't get sent out
23 now but got sent out a little bit later?

24 THE PROSPECTIVE JUROR: It's very -- it's time
25 sensitive. I work in a production company. We produce goods

Prospective Juror No. 38

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1 out of China and we ship worldwide. And our shipments are on
2 a constant basis, it's not -- we can't plan too much ahead
3 because it's a constantly evolving business.

4 THE COURT: What kind of business?

5 THE PROSPECTIVE JUROR: We produce chemicals.

6 THE COURT: Chemicals?

7 THE PROSPECTIVE JUROR: Mm-hm.

8 THE COURT: For what kind of chemicals?

9 THE PROSPECTIVE JUROR: It's various chemicals.
10 Polyvinyl alcohol is their biggest.

11 THE COURT: For production?

12 THE PROSPECTIVE JUROR: For production.

13 We produce it in China. Its usage varies from
14 construction materials to toilet paper to paper towels to
15 packaging needs, construction needs.

16 But then we also have many smaller products, many
17 chemicals that have various uses.

18 THE COURT: And then you also said you weren't sure
19 if you would be paid?

20 THE PROSPECTIVE JUROR: My company has never told us
21 if we would be. I would hope. I would assume I would, but I
22 can't say for sure.

23 THE COURT: Right. Okay. So that's something that,
24 if you could ask, just get some clarification on it. Because
25 we've had several people tell us yes after they asked.

Prospective Juror No. 38

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1 THE PROSPECTIVE JUROR: Yes. When I told them that,
2 you know, this is happening, what's going on, and they were
3 just, like, okay.

4 THE COURT: Eight weeks just sounds like a lot.

5 THE PROSPECTIVE JUROR: Exactly. They're just like
6 umm.

7 THE COURT: So I also wanted to ask you about the
8 answer you gave to one of the questions when you were asked
9 about single witness testimony, including a cooperating
10 witness. And you said a single witness alone should never be
11 a deciding factor alone, there should always be something else
12 to convict.

13 THE PROSPECTIVE JUROR: Yeah, because single
14 witnesses could be -- depending on the nature of what is being
15 discussed, it could be unreliable and I feel like there should
16 always be something supporting it.

17 THE COURT: Well, if it turns out that the law says,
18 actually, you could convict just on testimony --

19 THE PROSPECTIVE JUROR: Well, I'm not saying the law
20 is wrong. It's just like me personally, I feel like, you
21 know.

22 THE COURT: So if it turned out that you're being
23 asked to convict based on just a single testimony and you were
24 instructed that the law permits that, would you not do it?

25 THE PROSPECTIVE JUROR: It's not that I wouldn't do

Prospective Juror No. 38

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1 it. I would just question it, you know, and just pay
2 attention to the details because --

3 THE COURT: Well, paying attention to the details is
4 good.

5 THE PROSPECTIVE JUROR: Yeah.

6 THE COURT: But requiring more may not be because if
7 the law says -- you know, sometimes there isn't physical
8 evidence, for example. But if you find the witness credible,
9 then it's --

10 THE PROSPECTIVE JUROR: Yeah, it's situational.

11 You know, like I just, in some circumstances,
12 100 percent. And in some circumstances, like, I really would
13 need something else to justify this. It just depends on, you
14 know, the nature of what it is.

15 THE COURT: Okay. And then just to clarify, the
16 standard is beyond a reasonable doubt.

17 THE PROSPECTIVE JUROR: Mm-hm.

18 THE COURT: It's not 100 percent, right?

19 THE PROSPECTIVE JUROR: Mm-hm.

20 THE COURT: So it's not beyond all doubt, but beyond
21 a reasonable doubt.

22 THE PROSPECTIVE JUROR: Right.

23 THE COURT: So if you heard testimony and there was
24 no physical or corroborating evidence, there was testimony
25 from one person and you thought that person was credible,

Prospective Juror No. 38

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1 could you then convict based on that or are you going to say
2 testimony is not enough, I need more?

3 THE PROSPECTIVE JUROR: It would depend on the
4 circumstances, but I would think probably.

5 THE COURT: Okay. So could you envision a
6 circumstance where you would convict on just testimony?

7 THE PROSPECTIVE JUROR: Honestly, no.

8 THE COURT: No?

9 THE PROSPECTIVE JUROR: I don't.

10 Unless you're standing, like, this close to
11 something and you're seeing it happening with your own eyes.

12 THE COURT: Well, if that person was standing there
13 and saw it with his own eyes and told you about it, would that
14 be enough or that still wouldn't be enough?

15 THE PROSPECTIVE JUROR: It would depend on what the
16 situation is. Like I can't say without, like, context. It
17 would be hard to dispute, but I couldn't say with absolute
18 certainty.

19 THE COURT: Okay. So you can't say with absolute
20 certainty --

21 THE PROSPECTIVE JUROR: That I would believe it.

22 THE COURT: -- that you would believe it?

23 THE PROSPECTIVE JUROR: Mm-hm.

24 THE COURT: But you can't -- it's a little bit --
25 these are very difficult questions because they're so

Prospective Juror No. 38

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1 hypothetical, right?

2 THE PROSPECTIVE JUROR: Yeah, that's exactly what it
3 is. Yeah. Like, I want to say, yeah, I would if it was that,
4 you know. But based on circumstances, based on context, you
5 know, I couldn't say that 100 percent I would find that
6 believable or not believable, but.

7 THE COURT: So the question is -- let me lay out a
8 hypothetical. If a witness testified and you learned that the
9 person was testifying as a result of a cooperation agreement
10 with the government and the person testified as to something
11 that he knew or saw and then there wasn't any corroboration,
12 the only person that says that nobody else was there, nobody
13 else can corroborate it and then the Judge instructed you that
14 that could be enough, right, you don't need other things,
15 right?

16 THE PROSPECTIVE JUROR: Yeah, I just -- in my bones,
17 I just can't accept that. I'm sorry.

18 THE COURT: Okay.

19 Any objection?

20 MR. DE CASTRO: No.

21 MS. KOMATIREDDY: No objection.

22 THE COURT: Thank you for being upfront with us
23 here.

24 THE PROSPECTIVE JUROR: Like, I want to say it would
25 be enough, but I just know there would always be something in

Prospective Juror No. 37

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1 my mind saying no.

2 THE COURT: Thank you for being forthright with us.

3 You're excused, so go back to the jury room on the
4 second floor.

5 THE PROSPECTIVE JUROR: Thank you.

6 (Prospective Juror No. 38 excused.)

7 THE COURT: Bring Juror 37 back.

8 (Prospective Juror No. 37 enters.)

9 THE COURT: 37, so thank you for coming back.

10 I just had a followup question for you.

11 We've talked a bit about your mother's situation and
12 I wanted to know, if you were picked as a juror, would you be
13 able to focus on the evidence in this case or would you be
14 distracted by your mother's situation?

15 THE PROSPECTIVE JUROR: Well, essentially, you know,
16 I would -- I'm able to function and go to work and do what I
17 need to do. But, you know, my biggest concern is that, you
18 know, if something happens to her during this case and during
19 this trial. You know, you mentioned that it might be eight
20 weeks or more and, you know, I just -- I don't know what --
21 how that would be handled, especially if, you know, somehow
22 she took a turn for the worst and passed away right during the
23 trial, like worst case scenario.

24 THE COURT: I understand.

25 MR. DE CASTRO: No objection.

Prospective Juror No. 37

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1 THE COURT: Okay. Thank you for letting us know.
2 You're excused.

3 THE PROSPECTIVE JUROR: Thank you.

4 THE COURT: Okay. Thank you.

5 (Prospective Juror No. 37 exits.)

6 MS. KOMATIREDDY: I'm sorry, Your Honor, we didn't
7 consent to that. I didn't say a thing.

8 THE COURT: I --

9 MS. KOMATIREDDY: I understand Mr. De Castro said no
10 objection.

11 THE COURT: I made the decision.
12 Do you want to be heard?

13 MS. KOMATIREDDY: Well, I guess it's too late.

14 THE COURT: Well, no. If you want, I'll hear you.

15 MS. KOMATIREDDY: I think, Your Honor, I understand
16 that personal emergencies can happen during a trial. We're
17 going to have six alternates. If we had to lose one for that
18 reason, that's okay. I had a trial where someone's mother
19 passed away, we took a week off and resumed because it was a
20 long trial. That happens sometimes. There's no for-cause
21 reason. That's not a for-cause reason to strike. The person
22 is stable. She could live months, years or weeks, we don't
23 know that. But he's someone who continues to go work and he
24 can come to jury service.

25 THE COURT: Well, I will put on the record that my

Prospective Juror No. 40

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1 observation of his demeanor is that he is very affected by his
2 mother's situation and even though he said he would function
3 -- as he said, he said I am able to function -- he seemed
4 emotionally affected by her situation to have a 99-year-old
5 mother who was in the hospital and has just been released to
6 the nursing home. That is not an ideal situation to me. She
7 may be stable enough to leave the hospital, but the likelihood
8 of something happening, I think, is greater than is necessary
9 risk to take in this case. So given the totality of those
10 circumstances, I am excusing him.

11 All right. Let's go to Juror No. 40.

12 MR. DE CASTRO: I think we're on 39.

13 THE COURT: Are we on 39?

14 MR. DE CASTRO: I think so.

15 Am I wrong?

16 THE COURT: I don't have 39.

17 MR. DE CASTRO: Sorry.

18 THE COURT: Okay. So Juror 40.

19 MR. DE CASTRO: I have 55, 56, and 71.

20 THE COURT: Anything from the government?

21 MS. KOMATIREDDY: Number 55, Your Honor.

22 THE COURT: Juror No. 40.

23 (Prospective Juror No. 40 enters.)

24 THE COURT: Hi, Juror No. 40.

25 Step up to the podium, please.

Prospective Juror No. 40

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1 How are you doing?

2 THE PROSPECTIVE JUROR: Hello. Good.

3 THE COURT: Good.

4 So I just had a couple of followup questions based
5 on the answers you gave.

6 You were asked about any personal feelings about the
7 United States Government prosecuting someone whose alleged
8 conduct occurred mainly outside the United States, and you
9 wrote the government where activity took place should
10 prosecute.

11 THE PROSPECTIVE JUROR: Correct.

12 THE COURT: So if it turns out that the -- if the
13 Judge instructs you in this case that the case can be
14 prosecuted here, you know, the law is settled, that there's
15 authority to prosecute here, would you follow the Judge's
16 instruction or would you still say I'm not going to convict
17 because I don't think it should be prosecuted here?

18 Do you understand the question?

19 THE PROSPECTIVE JUROR: Are you saying convict
20 versus, you know, deliberate?

21 THE COURT: Okay. So tell me.

22 THE PROSPECTIVE JUROR: Follow what the Judge says
23 and based on what I would deem -- yeah, I would deliberate,
24 sure.

25 THE COURT: Okay. Well, I'm not saying you should

Prospective Juror No. 40

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1 convict before you heard the evidence.

2 THE PROSPECTIVE JUROR: It sounded like that.

3 THE COURT: I apologize.

4 THE PROSPECTIVE JUROR: I didn't want to --

5 THE COURT: No, no, no, no. I take your point.

6 Thank you. Thank you for pointing that out.

7 What I mean to say is, since you said that you don't
8 think the government should -- when you say here the
9 government where the activity took place should prosecute.

10 THE PROSPECTIVE JUROR: Correct.

11 THE COURT: And so if some of the activity didn't
12 take place in the United States but it were being prosecuted
13 here, would that affect your ability to be fair and impartial?

14 THE PROSPECTIVE JUROR: No.

15 THE COURT: No. Okay.

16 So you would accept the Judge's instruction that --

17 THE PROSPECTIVE JUROR: Yes.

18 THE COURT: -- that can be prosecuted here and you
19 should deliberate?

20 THE PROSPECTIVE JUROR: Yes.

21

22 (Continued on the next page.)

23

24

25

Prospective Juror No. 40

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1 (Continuing.)

2 THE COURT: And then you said here -- the question
3 is about legalization of drugs and you said it should all be
4 legal. So tell me about that.

5 THE PROSPECTIVE JUROR: Well, I just see it as,
6 historically, the government has used it as a way to subjugate
7 a certain class of people. So, I don't -- because of that,
8 should there be any, you know, should there be legal or
9 illegal, I don't think there should be. The whole basis of
10 the law around, you know, the narcotics is, you know, is it to
11 be legal or illegal. I don't think so only because, you know,
12 the basis of the foundation of those laws is based on the
13 subjugation of people.

14 THE COURT: So if you were picked as a juror in this
15 case and the judge instructed you that importation of cocaine
16 is illegal, would you still be fair?

17 THE PROSPECTIVE JUROR: Correct.

18 THE COURT: Okay. And could you apply that law --

19 THE PROSPECTIVE JUROR: Yes.

20 THE COURT: And I know you said earlier that I said
21 convict versus deliberate, but what I do mean in this case, is
22 if you found that the government presented proof beyond a
23 reasonable doubt of this defendant's involvement in the drug
24 trade and met all of the elements of the crime, could you
25 convict, or would you say I don't believe in these laws,

Prospective Juror No. 40

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1 therefore, I'm not going to convict?

2 THE PROSPECTIVE JUROR: Yeah, I would -- yes.

3 THE COURT: Okay. Just to clarify, yes?

4 THE PROSPECTIVE JUROR: To convicting, yes.

5 THE COURT: So you would apply the law as the judge
6 told you, even if you disagree with it?

7 THE PROSPECTIVE JUROR: Yes.

8 THE COURT: Okay. I'm not saying you should, I'm
9 just saying could you? You have to listen to the evidence,
10 assess credibility and find that the government has proven its
11 case beyond a reasonable doubt.

12 THE PROSPECTIVE JUROR: Yes.

13 THE COURT: Is there any reason you could not be
14 fair in this case to both the government and the defendant?

15 THE PROSPECTIVE JUROR: No.

16 THE COURT: You mentioned that you're not sure if
17 you would get paid if you were picked as a juror. What kind
18 of employer do you have?

19 THE PROSPECTIVE JUROR: I work for -- tell you the
20 name?

21 THE COURT: No, don't tell me the name but what kind
22 of business?

23 THE PROSPECTIVE JUROR: Finance.

24 THE COURT: So can you find out if they'll pay you
25 for the eight weeks that you'll be sitting on the jury?

Jury Selection

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1 THE PROSPECTIVE JUROR: I -- I have a flexible
2 schedule, so I'll do my work before and after so it wouldn't
3 affect.

4 THE COURT: So that issue is not an impediment to
5 your sitting on the jury?

6 THE PROSPECTIVE JUROR: No.

7 THE COURT: Okay, great. Is there any reason you
8 could not be a fair and impartial juror in this case?

9 THE PROSPECTIVE JUROR: No.

10 THE COURT: No? All right.

11 Any follow-up questions?

12 MS. KOMATIREDDY: I do have one, Your Honor. May I
13 approach?

14 THE COURT: Do you have a number?

15 MS. KOMATIREDDY: It's a substantive question.

16 THE COURT: It's something different?

17 MS. KOMATIREDDY: Yeah.

18 THE COURT: You know what, juror 40, can you just
19 step out for a minute, let me talk to the lawyers. Or do you
20 want to do the sidebar?

21 MS. KOMATIREDDY: Either one, Your Honor, whichever
22 you prefer.

23 THE COURT: Okay.

24 (Prospective juror number 40 exits.)

25 MS. KOMATIREDDY: Your Honor, given the juror's

Prospective Juror No. 40

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1 comments that historically the government has used drug laws
2 as a way to subjugate a certain class of people, does the
3 juror have any animis or bias against the government that
4 would make it difficult for him to be fair and impartial
5 either hearing evidence from government witnesses or hearing
6 argument from government lawyers.

7 THE COURT: Okay. You can bring him back.

8 (Prospective juror number 40 enters.)

9 THE COURT: All right, juror 40. I just have a
10 follow-up question for you. You said earlier that you believe
11 historically, the government has used the drug laws to
12 subjugate a certain class of people. I want to find out if
13 you have any anonymous or bias towards the government that
14 would get in the way of your being fair and impartial
15 assessing the testimony of government witnesses and also
16 hearing argument from government lawyers?

17 THE PROSPECTIVE JUROR: I know I shouldn't, but I
18 still -- you know, I will put a higher burden on the people on
19 the government. To your question, yes, I would. Yes.

20 THE COURT: Okay. And you couldn't put that aside,
21 or could you?

22 THE PROSPECTIVE JUROR: I would try, yeah.
23 Absolutely, I would try.

24 THE COURT: Okay, and that's great. Do you think
25 you could?

Prospective Juror No. 41

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1 THE PROSPECTIVE JUROR: I think the answer for me is
2 in the grays. I don't think I could say yes or no to that.
3 Sorry.

4 THE COURT: No, that's okay. We want you to be
5 truthful, so that's a good degree of honesty.

6 MR. DE CASTRO: No objection.

7 THE COURT: Thank you very much for your service.
8 You're excused.

9 (Prospective juror number 40 is excused.)

10 THE COURT: For Juror No. 41, I only have 43, where
11 a friend is incarcerated. Is there anything else?

12 MR. DE CASTRO: I think -- I believe, if I'm not
13 incorrect, they also checked the 71, but that's all I have, as
14 well.

15 THE COURT: You're right.

16 For the government?

17 MS. KOMATIREDDY: Sorry, Your Honor, just looking.
18 The same, Your Honor, 43.

19 THE COURT: Okay.

20 (Prospective juror number 41 enters.)

21 THE COURT: Hi, Juror No. 41. You can come up to
22 this podium and if you want to, put your bag or your coat on
23 the chair, feel free. I just have a couple of follow-up
24 questions based on the answers you gave on the questionnaire.
25 You can keep your mask on or you can take it off. Whatever is

Prospective Juror No. 41

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1 comfortable for you. You indicated you had a friend who is
2 incarcerated?

3 THE PROSPECTIVE JUROR: Yes.

4 THE COURT: Can you tell me what that is for?

5 THE PROSPECTIVE JUROR: That is before I -- long
6 before I met him. It is -- I don't remember the exact, but he
7 is on the sex offender registry, but -- and he passed away on
8 December 7th last year, but he was cleared somewhere in
9 January of last year, and that's all. But he wasn't a threat
10 to me at all.

11 THE COURT: Right, okay. And do you feel that he
12 was treated fairly by the justice system or unfairly?

13 THE PROSPECTIVE JUROR: I don't know because
14 before -- he was out when I met him and he -- I think in
15 general -- generally, he was brought down and he was taken off
16 the registry.

17 THE COURT: Okay. And, so, the important thing is
18 to know whether that will affect your ability to be fair and
19 impartial.

20 THE PROSPECTIVE JUROR: Yes, because -- because
21 before I met him, and those decisions were made long before I
22 met him, so.

23 THE COURT: All right. So you could be fair to the
24 government and to the defendant in this case?

25 THE PROSPECTIVE JUROR: Yes, yes.

Prospective Juror No. 41

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1 THE COURT: Okay, great. You also said you weren't
2 sure if you would get paid if you were sitting on the jury?

3 THE PROSPECTIVE JUROR: I clarified that.

4 THE COURT: You can find out?

5 THE PROSPECTIVE JUROR: Yes.

6 THE COURT: Can you do that and then call the jury
7 office and then --

8 THE PROSPECTIVE JUROR: No. I think I'm getting
9 paid. I know about that.

10 THE COURT: Oh, you know about it? Because you have
11 here you're not working right now.

12 THE PROSPECTIVE JUROR: Yes, I am unemployed.

13 THE COURT: Okay. So then that is okay.

14 THE PROSPECTIVE JUROR: Yes.

15 THE COURT: And then you will get paid the jury fee.
16 That will be fine. Great.

17 Any follow-up questions?

18 MS. KOMATIREDDY: Not from the government. Thank
19 you.

20 THE COURT: Is there any reason you cannot be a fair
21 and impartial juror?

22 THE PROSPECTIVE JUROR: No. I will be impartial and
23 I will abide by -- you know, I can be impartial, you know, all
24 of that.

25 THE COURT: Okay, wonderful. Thank you so much.

Prospective Juror No. 45

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1 You can go back across the hall.

2 THE PROSPECTIVE JUROR: Okay, thank you. I have to
3 go back and sit in --

4 THE COURT: Yeah, just go back in the room. It
5 won't be very long. We're toward the end of the day. Take
6 your time.

7 THE PROSPECTIVE JUROR: Thank you very much.

8 (Prospective juror number 41 exits.)

9 THE COURT: Juror No. 45.

10 MS. KOMATIREDDY: Your Honor, questions 40, 43, 52,
11 56, and 58.

12 MR. DE CASTRO: And the hardship.

13 THE COURT: Yup, but I think that's a Florida
14 vacation at the end of March.

15 MR. DE CASTRO: Yeah, I mean, it's just the inquiry.

16 THE COURT: All right. So let's bring the juror in.
17 (Prospective juror number 45 enters.)

18 THE COURT: Hi, Juror No. 45. How are you doing?

19 THE PROSPECTIVE JUROR: Good. How are you?

20 THE COURT: Good. We just have a few follow-up
21 questions based on the answers you gave. So the first thing
22 is that you said you or someone you know was a victim of some
23 robberies -- oh, it says you, that it happened to you. So can
24 you tell me if the fact that you were a victim of a robbery in
25 those instances would affect your ability to be fair in this

Prospective Juror No. 45

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1 criminal trial?

2 THE PROSPECTIVE JUROR: No, it wouldn't affect it.

3 THE COURT: And you didn't report it; is that right?

4 THE PROSPECTIVE JUROR: No.

5 THE COURT: All right. So, you also said that you

6 or someone you know had some contact with law enforcement

7 either by being stopped or investigated or arrested?

8 THE PROSPECTIVE JUROR: Yes.

9 THE COURT: Can you just tell me a little bit more
10 about what happened?

11 THE PROSPECTIVE JUROR: That's my brother, who is
12 deceased, and this was in the early eighties when he first
13 started getting in trouble.

14 THE COURT: Yes, you did mention that in one of the
15 others answers. Robbery and there was a probation violation,
16 right?

17 THE PROSPECTIVE JUROR: Yes.

18 THE COURT: Would the fact that you your brother
19 went through that affect your ability to be fair in this case?

20 THE PROSPECTIVE JUROR: No.

21 THE COURT: Do you feel that he was treated fairly
22 or unfairly?

23 THE PROSPECTIVE JUROR: Yes. My brother, yes.

24 THE COURT: You mentioned you heard that El Chapo
25 was arrested but you didn't follow-up because you weren't

Prospective Juror No. 45

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1 interested?

2 THE PROSPECTIVE JUROR: Yeah. This was I think a
3 few years ago, I heard something in the news but honestly, I
4 wasn't interested in that stuff, but.

5 THE COURT: Okay. Well, this trial has some
6 connection to that. Do you feel like what you already know
7 has predisposed you to --

8 THE PROSPECTIVE JUROR: No, because I don't remember
9 too many details. I feel like this was awhile ago.
10 Definitely before Covid, so more than three years ago, I think
11 I heard something, but, again, I don't have T.V., so.

12 THE COURT: Okay. It's on the radio too, sometimes.
13 All right. And you also said you're a little annoyed that
14 marijuana has been legalized. Can you tell me a little bit
15 more about the views on the drug laws?

16 THE PROSPECTIVE JUROR: Yeah. I smell it in my
17 neighbor, I smell it when I'm out and about. I feel like it's
18 always in my face now. Who wants to smell that. I'm not into
19 using drugs so it's kind of annoying having to smell marijuana
20 in the neighborhood.

21 THE COURT: Yeah, okay. This case involves
22 allegations of importation of cocaine. Do you have any strong
23 views about that?

24 THE PROSPECTIVE JUROR: No. No.

25 THE COURT: All right. And then you also mention

Jury Selection

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1 your brother suffering from drug addiction. Would that
2 experience affect your ability to be fair to both the
3 defendant and the prosecution in this case?

4 THE PROSPECTIVE JUROR: No, it wouldn't affect it.

5 THE COURT: Okay. And then finally, you said
6 there's a scheduling issue because you've got a vacation in
7 Florida but that doesn't start until March 19th?

8 THE PROSPECTIVE JUROR: Correct.

9 THE COURT: Okay. So I think the parties are fairly
10 confident we'll be done by then. Is there any reason that you
11 could not be fair and impartial and serve on this jury?

12 THE PROSPECTIVE JUROR: No, not at all.

13 THE COURT: Wonderful. Thank you very much.

14 THE PROSPECTIVE JUROR: Thank you.

15 (Prospective juror number 45 exits.)

16 THE COURT: So Juror No. 46 does not have anything.
17 I will just ask if this juror has any reason --

18 THE COURTROOM DEPUTY: No show.

19 THE COURT: Oh, 46 didn't show up. So we'll put 46
20 aside.

21 THE COURTROOM DEPUTY: Forty-six did not appear.

22 MR. DE CASTRO: Got it.

23 THE COURT: So let's move on to 48. So this is -- I
24 have sister has a pending case in Manhattan federal court.

25 MR. DE CASTRO: I have 35, 38, 44, 49, 55, and 68.

Prospective Juror No. 48

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1 MS. KOMATIREDDY: Forty-one from us, Your Honor.

2 THE COURT: Forty-one. Forty-one is not answered.

3 Is that why you want me to ask?

4 MS. KOMATIREDDY: Yes, Your Honor.

5 THE COURT: But forty-one is a follow-up to 40 where
6 the answer was no.

7 MS. KOMATIREDDY: Sorry, that's our mistake.

8 THE COURT: Okay. So let's bring in Juror No. 48.

9 (Prospective juror number 48 enters.)

10 THE COURT: Hello, Juror No. 48. You can come up to
11 this podium. If you want to drop your bag and coat off on the
12 chair, feel free and you can also leave your mask on or take
13 it off if you're more comfortable.

14 THE PROSPECTIVE JUROR: Thank you.

15 THE COURT: We have a couple follow-up questions for
16 you. You mentioned you have a sister who has a pending case
17 in Manhattan federal court. Do you think that experience
18 would affect your ability to be fair and impartial in this
19 case in Brooklyn federal court?

20 THE PROSPECTIVE JUROR: I know that I put on the
21 paper -- I don't know, and I want to believe I won't be bias
22 but I don't really know.

23 THE COURT: Okay. So can you talk a little bit
24 about what is causing you not to feel confident in that
25 answer?

Prospective Juror No. 48

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1 THE PROSPECTIVE JUROR: Not just trusting the
2 system, so.

3 THE COURT: Okay.

4 THE PROSPECTIVE JUROR: And, like, my sister has
5 similar kind of charges. She's a government Employee, as
6 well, so it's very similar. I just don't know.

7 THE COURT: So when you say you don't trust the --
8 and you said that in an answer to one of the questions, you
9 said I don't fully trust those agencies, government agencies.

10 THE PROSPECTIVE JUROR: Yes.

11 THE COURT: Can you be a little bit more specific?

12 THE PROSPECTIVE JUROR: With my experience with all
13 my family members who have been in the justice system, I just
14 don't trust it. Like I stated, all my mother's nephews have
15 been in prison for drug-related offenses, so I just don't feel
16 comfortable, like, have full trust in it.

17 THE COURT: And how would that lack of trust show
18 up? Would that affect your believing testimony? Would it
19 affect your not listening to government lawyers or not
20 following the judge's instructions? Tell me a little bit.

21 THE PROSPECTIVE JUROR: I would follow the judge's
22 instructions, but the answer prior to that, I don't know if I
23 would believe certain things or be -- I don't want to say bias
24 but some -- I don't know, I guess I'm a good judge of
25 character, but I don't know if my sister's case would be in my

Prospective Juror No. 49

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1 head like what if this was her, type of situation and I don't
2 want to do that.

3 MR. DE CASTRO: No objection.

4 MS. KOMATIREDDY: No objection.

5 THE COURT: Okay. Thank you for letting us know.

6 You're excused.

7 THE PROSPECTIVE JUROR: Okay.

8 THE COURT: Go back to the second floor.

9 (Prospective juror number 48 is excused.)

10 THE COURT: So Juror No. 49 has a hardship answer,
11 mother struggled with addiction and was incarcerated 43, 58,
12 and 69. Anything else?

13 MS. KOMATIREDDY: That's all we had, Your Honor.

14 MR. DE CASTRO: I'm sorry, Judge --

15 THE COURT: And 71.

16 MR. DE CASTRO: Yes. Thank you.

17 THE COURT: Okay.

18 Juror No. 49.

19 (Prospective juror number 49 enters.)

20 THE COURT: Good afternoon, Juror No. 49. Come up
21 here. You can leave your coat on the chair.

22 THE PROSPECTIVE JUROR: Thank you.

23 THE COURT: We just had a couple of follow-up
24 questions for you.

25 THE PROSPECTIVE JUROR: Sure.

Prospective Juror No. 49

233

1 THE COURT: And I'll start with your hardship
2 answer. You said you have an 18-month old son and you might
3 have some child care issues?

4 THE PROSPECTIVE JUROR: Yeah, that's right. We have
5 a nanny as needed, but if she has to come full-time, that's
6 going to become a little cost prohibitive for us, especially
7 with only one income coming in right now.

8 THE COURT: Are you working? Because it's not clear
9 here what your work situation is.

10 THE PROSPECTIVE JUROR: I'm not working currently.
11 I'm a freelance film editor. My jobs go project to project,
12 and in between projects, I'm usually in search of the next
13 one. I can say, if this goes eight weeks as it is indicated,
14 possibly doing that that would potentially affect my ability
15 to jump on the next opportunity that's coming along. They
16 come up rather quickly but I can't usually -- I already know
17 of a few that are going to come up within that time and if
18 I -- if I'm in jury duty, that might have some impact on my
19 next job.

20 MR. DE CASTRO: We have no objection.

21 MS. KOMATIREDDY: No objection, Your Honor.

22 THE COURT: All right.

23 Thank you, you're excused.

24 THE PROSPECTIVE JUROR: Thanks a lot.

25 THE COURT: You can go back to the second floor.

Prospective Juror No. 50

234

1 THE PROSPECTIVE JUROR: Yup.

2 (Prospective juror number 49 is excused.)

3 THE COURT: Juror No. 50 has a lot of answers.

4 Where do we start?

5 THE PROSPECTIVE JUROR: 49 and 50, Your Honor, to
6 start.

7 THE COURT: Okay.

8 MR. DE CASTRO: We have 2, 36, 44, 49, and 57.

9 THE COURT: Okay. Juror No. 50.

10 (Prospective juror number 50 enters.)

11 THE COURT: Hi, Juror No. 50. Come up to the
12 podium. You can leave your coat and things on the chair if
13 you would like. We just have a couple of follow-up questions
14 based on the answers you gave on the questionnaire, and I will
15 start with your statement that you believe the War on Drugs
16 did a lot of damage to our country and you said
17 President Nixon is a disgrace for us.

18 So can you tell us a little bit more about how that
19 might affect your ability to be fair in this case? Can you
20 just move a little bit closer to the podium because there's a
21 microphone there. That's great.

22 THE PROSPECTIVE JUROR: I do feel that even though
23 the purpose of the War on Drugs was to try to stop drugs in
24 the streets. I think it is just -- just negative. I mean,
25 for a current case like this, honestly, doesn't really matter.

Prospective Juror No. 50

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1 Like, if you did this crime, then you did the crime and you
2 should suffer whatever repercussions. So I'll say it
3 shouldn't really affect me.

4 THE COURT: Okay. So let me just see if I can
5 explore that a little bit more. So could you set aside your
6 feeling about the War on Drugs and look on the evidence just
7 in this case and this defendant who is on trial?

8 THE PROSPECTIVE JUROR: Yes, yes.

9 THE COURT: And at the end of the case, the judge
10 will instruct you on what the law is and it could include a
11 description of what the law is currently that illegalizes
12 drugs, right, because it says drug importation is illegal,
13 conspiracy to distribute drugs is illegal.

14 Could you follow that instruction, or would you say,
15 I don't think it's a good idea and so I'm not going to apply
16 the law that way?

17 THE PROSPECTIVE JUROR: I mean, if the law is
18 written as such, then I would agree to apply it if asked.

19 THE COURT: Okay. So you would be able to apply the
20 law even if you disagreed with it?

21 THE PROSPECTIVE JUROR: Yeah.

22 THE COURT: And then with regard to the
23 United States' response to the drug cartels, you have a
24 similar answer where you said you believe our approach to drug
25 policy and relations with Latin America made the cartels

Prospective Juror No. 50

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1 worse. So would that affect your ability to be fair in this
2 case?

3 THE PROSPECTIVE JUROR: No.

4 THE COURT: Okay. So you could listen to the
5 testimony of law enforcement officers talking about drug
6 importation, drug trafficking laws, and give it fair weight?

7 THE PROSPECTIVE JUROR: I believe so.

8 THE COURT: Okay. And, likewise, would you be able
9 to listen to people who talked about their involvement,
10 potentially, in drug trafficking and give that fair weight?

11 THE PROSPECTIVE JUROR: Yes.

12 THE COURT: Okay. You also talked about the drug
13 laws being inconsistent and needing reform. So this, again,
14 goes to that question about if you think the law should be
15 different. But the laws are what they are. Would you be able
16 to apply them or will you say I'm not going to apply the laws
17 because I think it should be something else?

18 THE PROSPECTIVE JUROR: That's a tough one. Do you
19 have a sample you can give me?

20 THE COURT: Well, if the law was something that you
21 say I don't think that's what the law should be, if I could
22 change the law, then I would do it differently, and,
23 therefore, I'm not going to apply that law.

24 THE PROSPECTIVE JUROR: Okay.

25 THE COURT: Would you apply the law as it's written,

Prospective Juror No. 50

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1 even if it's not what you believe in or agree with, or would
2 you say, I'm going to go a different way because I think the
3 law should be something else?

4 THE PROSPECTIVE JUROR: That's tough. If it's
5 something like -- I don't know. I think that crack and weed
6 are not on the same level, for example, and if the law says, I
7 don't know, put him away for more time for the weed than
8 crack, honestly, I'm not going to agree with that.

9 THE COURT: But would you apply the law? It's more
10 a question about whether you would follow the law or not
11 follow the law and do something other than what the law says.

12 THE PROSPECTIVE JUROR: Yeah. I would have to
13 follow the law then if it's written and says such.

14 THE COURT: Okay. And would you be able to do it?

15 THE PROSPECTIVE JUROR: Yes.

16 THE COURT: And would you do it?

17 THE PROSPECTIVE JUROR: Yes.

18 THE COURT: Okay. So, then -- there was -- and I'm
19 not clear what you were referring to, but you were asked if
20 there's anything in your religious beliefs or personal or
21 political background that would prevent you from sitting a
22 judgment of another person, and you said if I believe there's
23 a bias of the treatment of the individual or if I know from my
24 knowledge that something is inaccurate, this will go into my
25 decision.

Prospective Juror No. 50

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1 THE PROSPECTIVE JUROR: That was more of a vague
2 approach. Like -- let me come up with an example. If I know
3 that -- let me say this. In my line of work, if you tell me
4 there's evidence that, I don't know, some website operates a
5 certain way, in my line of work, if I believe that's an
6 incorrect assessment, I'm not changing my mind on that.

7 THE COURT: Okay, I understand. But if it were
8 during the course of trial about whether something happened or
9 didn't, right, you weren't there, right, so you would have to
10 assess whether this person is telling the truth and that
11 happened or that person is not telling the truth or it didn't
12 happen, or somebody else says it happened this way or it
13 happened another way, and then at the end of it, you would
14 have to render a verdict of guilty or not guilty, could you do
15 that?

16 THE PROSPECTIVE JUROR: Yeah.

17 THE COURT: So there isn't something that would stop
18 you from saying who am I to say if somebody is guilty or not?
19 You would you be able to say this is my verdict?

20 THE PROSPECTIVE JUROR: Yeah.

21 THE COURT: Okay. Then I will ask you about your --
22 you said there's a medical appointment. And when you wrote
23 it, you said next week. So I'm not sure when that's supposed
24 to be.

25 THE PROSPECTIVE JUROR: That happened already.

Prospective Juror No. 50

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1 THE COURT: So that's not an impediment. Great. Is
2 there any reason you could not be fair and impartial in this
3 case?

4 THE PROSPECTIVE JUROR: No. I mean, other than
5 human bias that we all have.

6 THE COURT: Okay. So tell me about the human bias.
7 What do you mean by that?

8 THE PROSPECTIVE JUROR: I mean, we all have our
9 respective world views. No matter what we try to do, we all
10 have some kind of bias. Like, that's the hardest part in
11 science to try to be as object -- as objective as possible. I
12 mean, try that daily. So beyond that, I would say I'm
13 decently objective.

14 THE COURT: Okay. But the question is -- because
15 being a juror is not like living regular life because it's a
16 specific thing and you're going to be asked to look at a
17 specific case and the evidence presented to you. People have
18 certain beliefs in their lives and they've come to believe
19 certain things and, perhaps, believe strongly in it. The
20 question is whether you can set that aside and just focus on
21 the evidence here and make a decision based on what you see
22 and hear in court. Can you do that?

23 THE PROSPECTIVE JUROR: Yes.

24 THE COURT: Okay. You did say -- I forgot to ask
25 this earlier in a question where you said that you have a

Prospective Juror No. 50

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1 co-worker who was charged in a similar manner and was fired.
2 What are you referring to there?

3 THE PROSPECTIVE JUROR: There was -- if I
4 remember -- I might have the details, if I do remember them
5 right, but I'm pretty sure it was some kind of federal coke
6 bust and he was involved in it. Yeah. I don't think we even
7 know what his part was, but that happened and he got
8 terminated.

9 THE COURT: Okay.

10 THE PROSPECTIVE JUROR: I felt -- I don't know if
11 that matters. It was just something I thought I should bring
12 up.

13 THE COURT: Yes, absolutely. We like to know about
14 things that may affect you. And, so, was that drug-related or
15 what kind of bust was it?

16 THE PROSPECTIVE JUROR: Drug bust. So federal drug
17 bust thing.

18 THE COURT: Do you know what happened to him after
19 he was fired?

20 THE PROSPECTIVE JUROR: No. Honestly, I didn't
21 think of it until I'm like, oh yeah, that happened.

22 THE COURT: And do you think that would affect your
23 ability to be fair?

24 THE PROSPECTIVE JUROR: Oh, no. Not at all.

25 THE COURT: Okay. Do you have any strong feelings

Prospective Juror No. 50

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1 about law enforcement, because I think it says here you're
2 father was retired law enforcement, right?

3 THE PROSPECTIVE JUROR: MICH-hmm. I mean, if I'm
4 pulled over by a police officer, I mean, I guess that's
5 everybody, but I get that nervousness, like I don't know
6 what's going to happen, but -- I don't know.

7 THE COURT: Yeah.

8 THE PROSPECTIVE JUROR: My dad was a cop and that's
9 all.

10 THE COURT: Well, sometimes, when you have family
11 members who are law enforcement, it might lead you to have a
12 predisposition one way or the other whether to believe them
13 just because they're law enforcement or not believe them
14 because they're law enforcement. So the question is whether
15 you have that kind of bias?

16 THE PROSPECTIVE JUROR: No. I mean, cops -- some
17 cops tell the truth, some tell lies. Just -- that's something
18 I learned from his line of work.

19 THE COURT: Okay.

20 Any follow-up questions?

21 MR. DE CASTRO: I do, Judge, maybe sidebar or I can
22 ask the Court. Whatever.

23 THE COURT: All right.

24 So, can you just step out for a minute? Let me talk
25 to the lawyers. I just need to talk to them for a minute, but

Prospective Juror No. 53

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1 I don't want you to be here when we talk.

2 (Prospective juror number 50 exits.)

3 THE COURT: Yes, Mr. De Castro.

4 MR. DE CASTRO: Actually, I think both parties agree
5 that he can be struck.

6 THE COURT: Great. Let's call him back. He can
7 take his coat and he can go.

8 (Prospective juror number 50 enters.)

9 THE COURT: Juror No. 50, thank you so much for your
10 service. You're excused. You can go back to the second
11 floor.

12 (Prospective juror number 50 is excused.)

13 THE COURT: Juror 53 has a vacation planned
14 March 6th. Is that going to be an issue?

15 MR. DE CASTRO: Maybe. I, also on top of the
16 hardship, have 44, 49, and 56.

17 MS. KOMATIREDDY: Our question on this was to just
18 to understand how long that vacation is, if it's a weekend or
19 something longer.

20 THE COURT: I see. Okay, great.

21 Juror No. 53.

22 (Prospective juror number 53 enters.)

23 THE COURT: Hi, Juror No. 53. How are you doing?

24 THE PROSPECTIVE JUROR: Good. How are you?

25 THE COURT: Good. We just have some follow-up

Jury Selection

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1 questions for you. You said here that you've got a vacation
2 planned in early March. You said it starts March 6th. How
3 long is that supposed to be?

4 THE PROSPECTIVE JUROR: It's a week.

5 THE COURT: It's a week, all right. Are those
6 tickets refundable or are those --

7 THE PROSPECTIVE JUROR: I think I'm past the -- past
8 the point of refunding. It's a cruise.

9 THE COURT: It's a what?

10 THE PROSPECTIVE JUROR: It's a cruise.

11 THE COURT: It's a cruise, okay.

12 MR. DE CASTRO: No objection.

13 MS. KOMATIREDDY: We have no objection.

14 THE COURT: You're excused. Have fun on the cruise.
15 Thank you for your service.

16 (Prospective juror number 53 is excused.)

17 THE COURT: Fifty-five had a lot of answers. We
18 have child care issues, former NYPD, 55.

19 MR. DE CASTRO: Yeah, we have 2, 35, 36, 39, 44, 55
20 as the Court said, 58, 66 and then the hardship question.

21 THE COURT: Anything from the government?

22 MS. KOMATIREDDY: We would add 36 and 50.

23 THE COURT: Thirty-six and 50.

24 MS. KOMATIREDDY: I think also number 1, Your Honor.

25 THE COURT: Yeah. Okay. So I'll start with 69.

Jury Selection

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1 Juror No. 55.

2 (Prospective juror number 55 enters.)*55

3 MR. DE CASTRO: Judge, wondering if we want to take
4 a break maybe after.

5 THE COURT: And we'll take a break after this.

6 Hi, Juror No. 55. Come to the podium. You can
7 leave your bag on the chair if you're more comfortable with
8 that. How are you doing?

9 THE PROSPECTIVE JUROR: Good.

10 THE COURT: Good. So we just had a few follow-up
11 questions for you based on the answers you gave.

12 THE PROSPECTIVE JUROR: Sure.

13 THE COURT: We'll start with your child care issues.
14 So tell us about that.

15 THE PROSPECTIVE JUROR: I have 16-month twins, and
16 my wife and I both work. We have care sometimes during the
17 week. Sometimes -- we have paid care and we also have family,
18 as well. It's just kind of if the trial were to go after
19 5:00 p.m., plus my commute back to Long Island, it would be
20 difficult on my wife, and in the morning, as well.

21 THE COURT: Okay. And you said here that family
22 could assist.?

23 THE PROSPECTIVE JUROR: Yeah.

24 THE COURT: So it might be difficult for awhile, but
25 you might be able to manage?

Jury Selection

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1 THE PROSPECTIVE JUROR: Yes.

2 THE COURT: Okay, great. Thank you. So let me ask
3 you about a couple of questions.

4 MR. DE CASTRO: Your Honor, also travel. I'm sorry.

5 THE COURT: Oh. You said you'll be traveling
6 out-of-state for business from January 30th to February 6th.

7 THE PROSPECTIVE JUROR: That's correct.

8 THE COURT: And then, also, from the 16th -- well,
9 January 16th to 18th.

10 THE PROSPECTIVE JUROR: Correct.

11 THE COURT: Today's the 17th, but you're not on
12 travel, you're here.

13 THE PROSPECTIVE JUROR: What did I say?

14 THE COURT: You said you'll be traveling
15 January 16th to 18th for business, going to Austin.

16 THE PROSPECTIVE JUROR: No, that should have been --
17 I apologize. It's the last week of the month.

18 THE COURT: Oh, I see.

19 THE PROSPECTIVE JUROR: So it's that -- sorry.

20 THE COURT: That's all right. So you said here the
21 last week of January 30th through February 6th, you are
22 traveling.

23 THE PROSPECTIVE JUROR: Correct, yes.

24 THE COURT: Is that for work?

25 THE PROSPECTIVE JUROR: That is for work, yes.

Jury Selection

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1 THE COURT: Okay. And is that something that can be
2 rescheduled or someone else can go?

3 THE PROSPECTIVE JUROR: No. That's actually for the
4 company I work for. It's a sales kickoff. It's a
5 company-wide thing. I think about 150 people from across the
6 country will be there.

7 THE COURT: So that's the whole week it looks like?

8 THE PROSPECTIVE JUROR: MICH-hmm.

9 THE COURT: And it's not something that you could
10 participate in virtually, or?

11 THE PROSPECTIVE JUROR: No, no.

12 THE COURT: Okay. All right. So let me ask you
13 about some of these other answers that you gave.

14 THE PROSPECTIVE JUROR: Sure.

15 THE COURT: You said in response to one of the
16 questions that you think the War on Drugs is unwinnable. So
17 can you explain how that might affect your ability to be fair
18 and impartial, if at all?

19 THE PROSPECTIVE JUROR: I -- let me try to think --
20 back to my answer. It just seems like --

21 THE COURT: You can change your answer, too.

22 THE PROSPECTIVE JUROR: Yeah, no, I think it's just
23 really two sides that are kind of dumping money into a problem
24 that it kind of can't possibly be solved I guess. I don't
25 know. There's a market for drugs and there's -- it just seems

Jury Selection

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1 like no amount of money or anything like that will actually
2 solve that problem.

3 THE COURT: Okay. And --

4 THE PROSPECTIVE JUROR: Not that I know what the
5 answer to what that problem is at all, it just seems it's been
6 going on for a very long time.

7 THE COURT: Fair enough. But notwithstanding that
8 belief, could you set it aside and be fair in this case that
9 involves allegations of drug trafficking?

10 THE PROSPECTIVE JUROR: Yes, I could.

11 THE COURT: All right. So you also said you know
12 something about this case. You said you know too much about
13 the people, places, history, and methods of the people
14 involved, and then also when you were asked whether you knew
15 anything this case, you said you were aware of who the
16 Sinaloa Cartel is and their reputation as an international
17 drug ring.

18 So can you tell us about your knowledge of the case
19 and how that might affect your ability to be a juror?

20 THE PROSPECTIVE JUROR: I've just heard of them
21 before either in other cases or through the news. I -- how
22 would that affect my -- I -- I mean, from what I've seen on
23 the news and things based on real life events I guess, whether
24 it's T.V. or movies, things like that.

25 MR. DE CASTRO: We have no objection here, Judge.

Jury Selection

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1 THE COURT: Okay.

2 Do you think that will effect your ability to be
3 fair to this defendant in this case?

4 THE PROSPECTIVE JUROR: I believe it might, yes.

5 THE COURT: How so?

6 THE PROSPECTIVE JUROR: Just based on -- I think
7 that what the defendant is being accused of is very possible,
8 I guess, very likely that these things have happened.

9 MS. KOMATIREDDY: We have no objection, Judge.

10 THE COURT: All right. Thank you very much. So,
11 thank you for your service. You're excused. You can go back
12 to the second floor jury room.

13 THE PROSPECTIVE JUROR: Thank you.

14 (Prospective juror number 55 is excused.)**Jury
15 Selection

16 THE COURT: So let's take a ten-minute break. Come
17 back at 4:25.

18 (A recess was taken.)

19 (Continued on the following page.)
20
21
22
23
24
25

Prospective Juror No. 56

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1 (Defendant present.)

2 THE COURTROOM DEPUTY: All rise.

3 THE COURT: We are back on the record.

4 The next juror is 56. I propose that we keep going
5 until 5:30. And at that point -- shortly before then, I'll
6 see if the parties want to make any for-cause arguments before
7 we adjourn for the day. All the jurors qualified up to that
8 point I will excuse and have them come back Thursday. The
9 ones we didn't get to today, we will have back tomorrow for
10 questioning.

11 Any problem with that?

12 MR. DE CASTRO: No problem.

13 THE COURT: All right. Let's call in Juror No. 56.

14 MS. KOMATIREDDY: We didn't have anything specific
15 for this juror, Your Honor.

16 THE COURT: Okay.

17 MR. DE CASTRO: What number, 56, Judge?

18 THE COURT: Yes.

19 MR. DE CASTRO: I think I had 2, 44, 56 and 71.

20 (Prospective Juror No. 56 enters.)

21 THE COURT: Hi, Juror No. 56.

22 THE PROSPECTIVE JUROR: Hello.

23 THE COURT: Come up to the podium. You can drop
24 your stuff off at that chair. How are you?

25 THE PROSPECTIVE JUROR: Good. How are you?

Prospective Juror No. 56

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1 THE COURT: Thank you for your patience. Let's
2 start with the answer that you gave about your salary.

3 THE PROSPECTIVE JUROR: Yes.

4 THE COURT: You said that you would not get paid
5 while you were on jury duty.

6 THE PROSPECTIVE JUROR: Well, actually, the
7 information we were given, I don't think it would conflict
8 with my work schedule currently.

9 THE COURT: Wonderful. That's good to hear.

10 THE PROSPECTIVE JUROR: But I would not get paid,
11 no.

12 THE COURT: Well, but you would get paid anyway,
13 right?

14 THE PROSPECTIVE JUROR: You learn something knew
15 every day.

16 THE COURT: So you would have a work schedule that
17 would accommodate you sitting here during the day for jury
18 duty?

19 THE PROSPECTIVE JUROR: Yeah.

20 THE COURT: Excellent.

21 You also said that your father is a firefighter or
22 was a firefighter. Do you think that would affect your
23 ability to be fair and impartial in assessing law enforcement
24 witnesses?

25 THE PROSPECTIVE JUROR: No, I don't believe so. I

Prospective Juror No. 56

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1 mean, the fire department. I'm from Michigan. He just put
2 out fires and car accidents.

3 THE COURT: So would you assess the testimony of a
4 law enforcement officer just as you would for any other
5 person?

6 THE PROSPECTIVE JUROR: Yes.

7 THE COURT: And then you also said that you thought
8 marijuana should be legal, not the other --

9 THE PROSPECTIVE JUROR: Yeah.

10 THE COURT: -- other drugs. So this is a case that
11 involves cocaine, allegations of cocaine trafficking. Do you
12 think your views about marijuana being legal would affect your
13 ability to be fair in assessing the evidence in this case?

14 THE PROSPECTIVE JUROR: No, I don't believe that
15 would affect me.

16 THE COURT: Okay. Are there any issues that you
17 want to bring to our attention in terms of your ability to be
18 fair as a juror?

19 THE PROSPECTIVE JUROR: No.

20 MR. DE CASTRO: Just number two, Judge.

21 THE COURT: Okay.

22 So, in response to one of the questions, you said I
23 understand taking bribes is illegal and that cocaine is
24 illegal. So, I wanted to understand if you think that would
25 affect your ability to be fair in this case? The question was

Prospective Juror No. 59

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1 whether you had a personal knowledge of the charges in this
2 case and you said yes.

3 THE PROSPECTIVE JUROR: Maybe I misunderstood the
4 question. I thought it was just asking like if I had an
5 understanding of what was being presented in front of me.

6 THE COURT: Okay. So, the allegations, not the
7 specific facts of this case; is that correct?

8 THE PROSPECTIVE JUROR: Yeah. I don't know anything
9 about this case.

10 THE COURT: Okay. Anything else from the parties?

11 MR. DE CASTRO: No, Judge.

12 MS. KOMATIREDDY: No, Judge.

13 THE COURT: Thank you. You can go back across the
14 hall.

15 THE PROSPECTIVE JUROR: Thank you.

16 (Prospective juror 56 exits.)

17 THE COURT: Juror No. 59.

18 MR. DE CASTRO: We have 20, 47, 52, 56, 60, and I
19 think there is a hardship question.

20 THE COURT: Okay.

21 MS. KOMATIREDDY: That covers as well, Your Honor.

22 THE COURT: Okay.

23 (Prospective Juror No. 59 enters.)

24 THE COURT: Hi, Juror No. 59.

25 THE PROSPECTIVE JUROR: Yes.

Prospective Juror No. 59

253

1 THE COURT: Come up here. You can drop your stuff
2 off on the chair. If you want to keep your mask on, you can,
3 or you can take it off if you want.

4 THE PROSPECTIVE JUROR: Yes.

5 THE COURT: Stand closer to the podium because there
6 is a microphone.

7 So you said that you have a scheduling conflict.
8 You have a doctor's appointment and a procedure on January
9 30th?

10 THE PROSPECTIVE JUROR: Yes.

11 THE COURT: Is that something that could be
12 rescheduled?

13 THE PROSPECTIVE JUROR: No. It took six months to
14 make the appointment for the doctor and the medical procedure
15 I need to be taken care of.

16 THE COURT: I see. Is it aftercare or one of those
17 things that you are done with the procedure and walk out?

18 THE PROSPECTIVE JUROR: It depends on what the
19 result is.

20 THE COURT: I see. Okay.

21 MR. DE CASTRO: No objection.

22 MS. KOMATIREDDY: I'm sorry, Your Honor, may we just
23 check something?

24 THE COURT: Okay.

25 MS. KOMATIREDDY: Could we have further inquiry,

Prospective Juror No. 59

254

1 Your Honor?

2 THE COURT: Continue with the questioning?

3 MS. KOMATIREDDY: Yes, Your Honor. Thank you.

4 THE COURT: Okay, so you also said in response to a
5 question about the right of somebody not to testify in his or
6 her defense, you said if a person is innocent, you think they
7 want to clear their name.

8 THE PROSPECTIVE JUROR: Yes.

9 THE COURT: So if the judge instructed you that a
10 person has the right to remain silent, would you hold it
11 against them?

12 THE PROSPECTIVE JUROR: I would still think he or
13 she would want to clear their name and give their side of the
14 story.

15 THE COURT: So do you think if someone didn't tell
16 their side of the story --

17 THE PROSPECTIVE JUROR: I would hold it against
18 them.

19 MS. KOMATIREDDY: No objection, Your Honor.

20 THE COURT: All right. So, you're excused. Thank
21 you.

22 THE PROSPECTIVE JUROR: Thank you.

23 (Prospective juror No. 59 excused.)

24 THE COURT: Juror No. 61.

25 MR. DE CASTRO: We had just number 56 on that one.

Prospective Juror No. 61

255

1 THE COURT: Okay. How about the Government?

2 MS. KOMATIREDDY: We didn't have anything else, Your
3 Honor.

4 THE COURT: All right. Juror No. 61.

5 (Prospective Juror No. 61 enters.)

6 THE COURT: Come up to the podium. If you want to
7 drop your bag off at the chair, that would be great.

8 How are you doing?

9 THE PROSPECTIVE JUROR: Good. How are you?

10 THE COURT: Fine. Thank you. Sorry. So we have a
11 couple of follow-up questions to your answers on the
12 questionnaire.

13 THE PROSPECTIVE JUROR: Sure.

14 THE COURT: You said that you believe hard drugs
15 should be legal in the U.S. except marijuana.

16 THE PROSPECTIVE JUROR: Yes.

17 THE COURT: Can you tell me a little bit about that?

18 THE PROSPECTIVE JUROR: Well, I believe marijuana is
19 more highly used and based on the system, I feel like it could
20 be more controlled by the Government, whereas as the other
21 ones are harder, are more life-threatening and damaging.

22 THE COURT: So this case involves allegations of
23 cocaine trafficking. Do you think your views on drugs would
24 have any affect on your ability to be fair and impartial in
25 this case?

Prospective Juror No. 61

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1 THE PROSPECTIVE JUROR: No.

2 MS. KOMATIREDDY: 2, Your Honor please.

3 THE COURT: And you said you or someone you knew had
4 contact with law enforcement, but you said it wouldn't affect
5 your ability to be fair. But can you just describe what those
6 experiences were.

7 THE PROSPECTIVE JUROR: With law enforcement, yes, I
8 had a cousin that was in trouble for a DUI and was in
9 immigration services. He got in trouble with that.

10 THE COURT: Okay.

11 THE PROSPECTIVE JUROR: And my brother is in the
12 military, so, like law enforcement. He's with military
13 police, things like that.

14 THE COURT: I see.

15 THE PROSPECTIVE JUROR: Nothing more than that.

16 THE COURT: Okay. So the fact that your brother is
17 in the military police, would that affect your ability to be
18 fair and impartial in a case that involved law enforcement?

19 THE PROSPECTIVE JUROR: Yeah, I mean, he is an
20 officer, he is not military police.

21 THE COURT: I see.

22 THE PROSPECTIVE JUROR: It wouldn't affect anyway.

23 THE COURT: Okay. So you said he is an officer in
24 the military.

25 THE PROSPECTIVE JUROR: Yes, U.S. Army.

Prospective Juror No. 61

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1 THE COURT: For some reason, I thought you said
2 police, not police.

3 THE PROSPECTIVE JUROR: Oh, no, not police.

4 THE COURT: You said your cousin was in trouble for
5 what?

6 THE PROSPECTIVE JUROR: It was a DUI.

7 THE COURT: DUI?

8 THE PROSPECTIVE JUROR: Yeah.

9 THE COURT: Does your cousin's experience affect
10 your ability to be fair and impartial in a criminal case?

11 THE PROSPECTIVE JUROR: No, not at all.

12 THE COURT: Is there any reason you could not be a
13 fair and impartial juror?

14 THE PROSPECTIVE JUROR: Not that I can think of.

15 THE COURT: Great. Any follow up?

16 MS. KOMATIREDDY: No, Judge.

17 THE COURT: Great. Why don't you go back across the
18 hall. Thank you.

19 THE PROSPECTIVE JUROR: All right.

20 (Prospective juror 61 exits.)

21 THE COURT: Juror No. 62.

22 MR. DE CASTRO: We have 34, 35, 36, 47, 49, 54, 56,
23 57, 62, 66, and 69.

24 MS. KOMATIREDDY: Us as well, Your Honor.

25 THE COURT: All right. So let's have Juror No. 62.

Prospective Juror No. 62

258

1 (Prospective Juror No. 62 enters.)

2 THE COURT: Hi. Come right up here. You can leave
3 your mask on if you want. You can take it off if you feel
4 more comfortable. So we just have a couple of follow-up
5 questions for you based on the answers you gave.

6 THE PROSPECTIVE JUROR: Sure.

7 THE COURT: You said that you are a nurse
8 practitioner and need to work. Can you tell us about that?

9 THE PROSPECTIVE JUROR: I left work to come here.
10 There is a nursing shortage. There is no limit to no
11 coverage. Even though I am here during the week, I will still
12 be working the weekends. I'm working this Saturday and
13 Sunday. Today is technically considered a workday, so I
14 worked and came here and I'm working tomorrow.

15 THE COURT: Are you working day shifts or night
16 shifts?

17 THE PROSPECTIVE JUROR: Day shifts, 5:30 in the
18 morning to 6:00 p.m. at night.

19 THE COURT: So if you were picked to sit on the
20 jury, would you have to work night shifts or --

21 THE PROSPECTIVE JUROR: I don't know, but I'm also a
22 manager. I manage the surgical clinical care unit and I
23 manage the trauma team at the hospital. I'm also in a
24 managerial role. I have to oversee scheduling and payroll and
25 stuff like that.

Prospective Juror No. 64

259

1 MR. DE CASTRO: No objection.

2 MS. KOMATIREDDY: No objection.

3 THE COURT: Thank you. You're excused.

4 THE PROSPECTIVE JUROR: Thank you.

5 THE COURT: You can go back to the second floor.

6 (Prospective juror No. 62 excused.)

7 THE COURT: Juror No. 64.

8 MR. DE CASTRO: The defense has 35, 40, 44, and 47.

9 MS. KOMATIREDDY: I believe that includes 40.

10 THE COURT: Juror No. 64, please.

11 (Prospective Juror No. 64 enters.)

12 THE COURT: Hi, Juror No. 64. Come right up to the
13 podium. You can put your bag on the chair and your coat. How
14 are you doing?

15 THE PROSPECTIVE JUROR: Good.

16 THE COURT: We have a couple of follow-up questions.
17 You mentioned that you have some family members who are
18 members of the New York Police Department and somebody who is
19 a judge.

20 THE PROSPECTIVE JUROR: Yes.

21 THE COURT: Do you think that tie to law enforcement
22 would cause you to be -- would prevent you from being fair and
23 impartial as a juror in this criminal case?

24 THE PROSPECTIVE JUROR: No, I don't think so.

25 THE COURT: Do you think you would assess the

Prospective Juror No. 64

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1 testimony of law enforcement witnesses the same as other
2 people or would you tend to believe or not believe them just
3 because they are law enforcement?

4 THE PROSPECTIVE JUROR: I wouldn't say I'm biased,
5 but I would probably have a slight... I would probably take --
6 not take their word for it, but I would have a slight bias
7 unless proven otherwise just because I know so many family
8 members who are police officers.

9 THE COURT: Okay. When you say biased, how would
10 that --

11 THE PROSPECTIVE JUROR: I mean, I would give them
12 the benefit of the doubt in a way.

13 THE COURT: Okay. And so, if you listen to their
14 testimony and -- would you be -- would you ever not believe
15 them?

16 THE PROSPECTIVE JUROR: Yes, I would not believe
17 them, yeah. It's not like I would be oh, no, they can say no
18 wrong or do no wrong.

19 THE COURT: Of course. I'm trying to figure out
20 what benefit of the doubt means in the context of a trial
21 where you're being asked to assess the credibility of
22 witnesses, weigh the evidence, and render a just verdict.

23 THE PROSPECTIVE JUROR: Right. So I guess it
24 wouldn't be...I mean, there would -- I'm trying to think.

25 THE COURT: Take your time. It's a hard question.

Prospective Juror No. 64

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1 THE PROSPECTIVE JUROR: Yeah.

2 I mean, I think I would be impartial if what they
3 said was either proven or something was said to say that's not
4 true, I would be logical about it, you know. It's not like I
5 would say like they cannot do anything wrong or say anything
6 wrong or... so, I don't know. I think I could be impartial.

7 THE COURT: Well, one of the things you would be
8 instructed to do as a juror is to assess the testimony of
9 witnesses.

10 THE PROSPECTIVE JUROR: Right.

11 THE COURT: And to not favor one person or another
12 just because of what they do for a living or where they come
13 from, for example.

14 THE PROSPECTIVE JUROR: Right.

15 THE COURT: So the question is whether you would be
16 fair, because there are two sides in this trial, right?

17 THE PROSPECTIVE JUROR: Uh-hum.

18 THE COURT: So you need to be fair to both sides and
19 you put your thumb on the scale and said I'm going to favor
20 one side or the other, then that might be an issue.

21 THE PROSPECTIVE JUROR: Right. I mean, I think I
22 could be fair.

23 THE COURT: So even if you have a slight biased, you
24 said, would you be able to put that aside?

25 THE PROSPECTIVE JUROR: Yes, I could. Uh-hum.

Prospective Juror No. 64

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1 THE COURT: So does that mean you would start maybe
2 with the bias but you would overcome it?

3 THE PROSPECTIVE JUROR: Yes. I don't even know bias
4 is the right word.

5 THE COURT: What would be a better word?

6 THE PROSPECTIVE JUROR: Well, I guess I would ...
7 maybe it is a good word.

8 THE COURT: That's fine.

9 THE PROSPECTIVE JUROR: I'm kind of expecting tongue
10 and cheek unless told otherwise.

11 THE COURT: That's fine. Let me move on to another
12 question.

13 You have a sister-in-law whose niece is a lawyer,
14 and you have a long-time friend who is an ADA.

15 THE PROSPECTIVE JUROR: And a judge.

16 THE COURT: And especially the fact the friend who
17 is an assistant district attorney. That's a prosecutor?

18 THE PROSPECTIVE JUROR: Right.

19 THE COURT: In this case, there are prosecutors and
20 defense lawyers. So, would you favor one side or the other
21 just because you have a friend who played that role?

22 THE PROSPECTIVE JUROR: No.

23 THE COURT: So you would listen to both sides
24 fairly?

25 THE PROSPECTIVE JUROR: Yes.

Prospective Juror No. 64

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1 THE COURT: And consider the evidence?

2 THE PROSPECTIVE JUROR: Yes.

3 THE COURT: And then you told us about this tragic
4 incident where your mother was killed in 1988.

5 THE PROSPECTIVE JUROR: Yes.

6 THE COURT: Does that experience cause you to be not
7 fair and impartial in any way?

8 THE PROSPECTIVE JUROR: No.

9 THE COURT: Does it affect --

10 THE PROSPECTIVE JUROR: No.

11 THE COURT: No? Okay.

12 I think those are the questions. Let me just make
13 sure I got it.

14 You also said that you had heard about El Chapo. Do
15 you know anything else about the case?

16 THE PROSPECTIVE JUROR: No, just general news when
17 he escaped and the tunnel, stuff like that, that's it.

18 THE COURT: And you might hear of El Chapo in this
19 trial. Do you think knowing those things would affect your
20 ability to be fair?

21 THE PROSPECTIVE JUROR: No.

22 THE COURT: Is there any reason you have any doubts
23 about your ability to be fair and impartial?

24 THE PROSPECTIVE JUROR: No, I don't think so.

25 THE COURT: All right. Any follow up?

Prospective Juror No. 67

264

1 MS. KOMATIREDDY: Not from the Government, Your
2 Honor.

3 MR. DE CASTRO: Nothing, Judge.

4 THE COURT: Thank you. Why don't you go back across
5 the hall.

6 THE PROSPECTIVE JUROR: Thank you.

7 (Prospective juror 64 exits.)

8 THE COURT: Juror No. 67.

9 MR. DE CASTRO: I think we have 35, 44 and 56 on
10 that.

11 THE COURT: Okay.

12 MS. KOMATIREDDY: That covers us as well, Your
13 Honor.

14 THE COURT: I will also ask about the robberies in
15 the '90s.

16 (Prospective Juror No. 67 enters.)

17 THE COURT: Hi, Juror No. 67. Come up to this
18 podium. You can drop your things off on the chair. You can
19 leave your mask on or off, whatever you are comfortable with.
20 How are you doing?

21 THE PROSPECTIVE JUROR: Good, Your Honor.

22 THE COURT: We just have a couple of follow-up
23 questions for you. The first thing you mentioned is your
24 father is a former New York City fire department fire marshal
25 and he attended the fire academy in the '90s.

Prospective Juror No. 67

265

1 THE PROSPECTIVE JUROR: Yes.

2 THE COURT: Does the fact that you have this law
3 enforcement tie affect your ability to be fair and impartial
4 in this case?

5 THE PROSPECTIVE JUROR: Absolutely not.

6 THE COURT: So this is a criminal trial and you will
7 likely hear testimony from law enforcement officers, as well
8 as non-law enforcement and you will hear argument from
9 Government lawyers and prosecutors, as well as defense
10 lawyers. Will you be able to be fair to both sides?

11 THE PROSPECTIVE JUROR: Yes, I will, Your Honor.

12 THE COURT: Okay. You also mentioned that -- one
13 second. You think that marijuana should be legal.

14 This case involves cocaine and allegations of
15 trafficking cocaine. Do you think your views on the legality
16 of marijuana will have an affect on your ability to be fair
17 and impartial?

18 THE PROSPECTIVE JUROR: No, Your Honor.

19 THE COURT: Is there any reason that you would not
20 be fair and impartial if you were picked as a juror?

21 THE PROSPECTIVE JUROR: Not that I can think of,
22 Your Honor.

23 THE COURT: Great. Thank you very much. You can go
24 back across the hall.

25 THE PROSPECTIVE JUROR: Thank you.

Prospective Juror No. 68

266

1 (Prospective juror 67 exits.)

2 THE COURT: For Juror No. 68, I have --

3 MR. DE CASTRO: Yes. We had the hardship question,
4 plus 55, 56, 62, and 66.

5 THE COURT: Okay.

6 MS. KOMATIREDDY: 34 also, Your Honor.

7 THE COURT: Okay.

8 MS. KOMATIREDDY: Thank you.

9 (Prospective Juror No. 68 enters.)

10 THE COURT: Hi, Juror No. 68. Come up to this
11 podium, please.

12 THE PROSPECTIVE JUROR: Hi.

13 THE COURT: You can put your bag down.

14 THE PROSPECTIVE JUROR: Thank you.

15 THE COURT: Hi. Let me start with your concern
16 about your elderly mother. Tell us about that.

17 THE PROSPECTIVE JUROR: Me to tell you?

18 THE COURT: Yes. What is the concern in terms of
19 your ability to serve on the jury?

20 THE PROSPECTIVE JUROR: She can -- she falls
21 periodically. She gets lonely. Simple things. We've had to
22 take her to the hospital a few times. It hasn't happened
23 lately, but she is 87. She has asthma and has some breathing
24 difficulty because of it. She does live alone. My brother
25 goes to visit her at least three times a week. I live a

Prospective Juror No. 68

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1 little farther. I visit her at twice a week. So, by and
2 large she manages. My concern is only the emergency
3 situations.

4 THE COURT: Right. Since it sounds like your
5 brother lives closer, if there were an emergency, he could,
6 during the day when you were here, he could go tend to it.

7 THE PROSPECTIVE JUROR: He could. He could. He
8 also works, and yes, he could, he could potentially. And
9 depending on how my husband is doing, he could go. He also
10 has MS and there are days he can't move.

11 THE COURT: Of course. Are you working?

12 THE PROSPECTIVE JUROR: Yes.

13 THE COURT: So when you are working and there is an
14 emergency, then you could take time off and go tend to your
15 mother; is that how it works?

16 THE PROSPECTIVE JUROR: I do. I have some
17 flexibility in my schedule.

18 MR. DE CASTRO: We have no objection, Judge.

19 THE COURT: Continue questioning?

20 MS. KOMATIREDDY: I'm sorry, Your Honor.

21 We have no objection.

22 THE COURT: All right. Well, thank you very much.
23 You are excused. So you can go back to the jury office. You
24 don't need to serve on this jury.

25 THE PROSPECTIVE JUROR: Thank you.

Prospective Juror No. 70

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1 THE COURT: Thank you for your service.

2 (Prospective juror 68 exits.)

3 THE COURT: Juror 70.

4 MR. DE CASTRO: We have a lot on number 70.

5 43, 47, 49, 55, 56, 58, 61, 60 --

6 THE INTERPRETER: Your Honor, we apologize. The
7 transmitter is dead and we have to get another one.

8 THE COURT: Yes, that's fine. We don't have one in
9 the courtroom?

10 THE INTERPRETER: No, we brought it from downstairs.

11 THE COURT: That's fine.

12 MR. DE CASTRO: Judge, I think I can finish this.
13 62 and 69.

14 THE COURT: Okay.

15 (Pause.)

16 THE COURT: The next juror is 70.

17 THE INTERPRETER: We are back on, Your Honor.

18 THE COURT: Thank you.

19 (Prospective Juror No. 70 enters.)

20 THE COURT: Hi. You can come up to the podium. You
21 can drop off your bag and your jacket.

22 How are you doing?

23 THE PROSPECTIVE JUROR: I'm all right.

24 THE COURT: Thank you for your patience. We had a
25 couple of follow-up questions and we will start with in

Prospective Juror No. 70

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1 response to one of the questions you said you tend not to
2 trust law enforcement at face value. Can you tell us a little
3 bit about that?

4 THE PROSPECTIVE JUROR: I think people in power tend
5 to lie to further their interests. And police especially,
6 so....

7 THE COURT: And, so, if there were police or law
8 enforcement witnesses, would you not believe their testimony?

9 THE PROSPECTIVE JUROR: I'm not sure. I suppose it
10 would depend on the situation.

11 THE COURT: Okay.

12 MR. DE CASTRO: No objection, Judge.

13 MS. KOMATIREDDY: No objection, Judge.

14 THE COURT: Okay, so you are excused. Why don't you
15 go back to the second floor. Thank you.

16 (Prospective juror No. 70 excused.)

17 THE COURT: So we have the hardship question and
18 then there is an issue about the burden of proof and also 56.

19 MS. KOMATIREDDY: That's what we are tracking also,
20 Your Honor.

21 MR. DE CASTRO: Right.

22 THE COURT: This is Juror No. 73.

23 MR. DE CASTRO: I think there is pay and then the
24 explanation page.

25 THE COURT: Okay. The explanation page is the same

Prospective Juror No. 73

270

1 as the hardship.

2 MR. DE CASTRO: Yes.

3 (Prospective Juror No. 73 enters.)

4 THE COURT: Hi, Juror No. 73, come up to the podium,
5 please, and you can drop your bag off if you want. How are
6 you doing?

7 THE PROSPECTIVE JUROR: Good you. How are you,
8 ma'am?

9 THE COURT: We had a couple of follow-up questions
10 based on the answers you gave. I will start with the hardship
11 question. You said you are a single mom and you work?

12 THE PROSPECTIVE JUROR: Yes, ma'am.

13 THE COURT: From 4:30 to 6:00 in the morning?

14 THE PROSPECTIVE JUROR: It's morning 4:30 to 6
15 o'clock.

16 THE COURT: 4:30 in the morning until six o'clock in
17 the evening?

18 THE PROSPECTIVE JUROR: Yes.

19 THE COURT: I had it reversed.

20 THE PROSPECTIVE JUROR: Yes.

21 THE COURT: You said you're a single mom. How many
22 children do you have?

23 THE PROSPECTIVE JUROR: Two.

24 THE COURT: But you said your mother is coming.

25 THE PROSPECTIVE JUROR: Tomorrow.

Prospective Juror No. 73

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1 THE COURT: From Bangladesh.

2 THE PROSPECTIVE JUROR: Yeah.

3 THE COURT: So she can help with the childcare?

4 THE PROSPECTIVE JUROR: Me.

5 THE COURT: I'm not sure.

6 THE PROSPECTIVE JUROR: Yeah.

7 THE COURT: So that should help you if you are
8 coming --

9 THE PROSPECTIVE JUROR: Now, he is coming, but he is
10 not able. He's a little older. So in a few months, I think
11 take care of my child.

12 THE COURT: So if you are picked to sit on this
13 jury, would you be able to do that because somebody is helping
14 to watch your children?

15 THE PROSPECTIVE JUROR: Not now.

16 THE COURT: No?

17 THE PROSPECTIVE JUROR: No.

18 THE COURT: Why not?

19 THE PROSPECTIVE JUROR: So like my -- the younger
20 one is small and the bigger one is okay, but I'm going with my
21 mom to social security office so I have to fix her medication,
22 so I have lots of work during the one or two months. That's
23 why I'm pretty busy that time.

24 THE COURT: How old are your children?

25 THE PROSPECTIVE JUROR: So one is like 16 and the

Prospective Juror No. 73

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1 younger one is 13.

2 THE COURT: 13 and 16?

3 THE PROSPECTIVE JUROR: Yeah.

4 THE COURT: So they are teenagers?

5 THE PROSPECTIVE JUROR: Yes, almost teenagers.

6 THE COURT: All right. So what kind of childcare do
7 they need?

8 THE PROSPECTIVE JUROR: Childcare?

9 THE COURT: Yes, you said that you have to watch
10 your kids, I thought. Maybe it's not a problem.

11 THE PROSPECTIVE JUROR: No. I take care of my
12 child, one child with her father, one with me.

13 THE COURT: I see. Okay. Is this going to be a
14 problem if you have to sit on the jury?

15 THE PROSPECTIVE JUROR: Little bit problem.

16 THE COURT: So tell me what the problem is?

17 THE PROSPECTIVE JUROR: So after like months -- and
18 one more thing. My manager, my boss is going to Pakistan and
19 during this whole month I have to take care of the whole
20 business. It's goes to me. He is going like end of this
21 month.

22 THE COURT: All right. Okay, so how is that causing
23 a problem for you?

24 THE PROSPECTIVE JUROR: So I have to take care of
25 the store when he going to Pakistan.

Prospective Juror No. 73

273

1 THE COURT: All right. And are there other people
2 who can take care of the store?

3 THE PROSPECTIVE JUROR: Yes, but I'm the assistant
4 and he is the manager. When he is not here, so like
5 responsibility goes to me.

6 THE COURT: I see. So it's the two of you in the
7 store?

8 THE PROSPECTIVE JUROR: Yeah.

9 THE COURT: When he is gone, it's just you in the
10 store?

11 THE PROSPECTIVE JUROR: Yeah.

12 MR. DE CASTRO: We have no objection.

13 MS. KOMATIREDDY: We have no objection.

14 THE COURT: Thank you very much. You are excused.
15 Go to the second floor jury room. Thank you for your service.

16 THE PROSPECTIVE JUROR: Thank you so much, ma'am.
17 So I'm done?

18 THE COURT: You're done. Go to the second floor.
19 Let them know that you are excused.

20 THE PROSPECTIVE JUROR: Thank you so much.
21 (Prospective juror No. 73 excused.)

22 THE COURT: 75 has a short list, 44 and 69.

23 MR. DE CASTRO: That's what I have, Judge.

24 MS. KOMATIREDDY: That's it for us too, Your Honor.

25 THE COURT: Okay.

Prospective Juror No. 75

274

1 (Prospective Juror No. 75 enters.)

2 THE COURT: You can come up to this podium, and if
3 you want to put your knapsack on the chair, that's fine.

4 How are you doing?

5 THE PROSPECTIVE JUROR: Good.

6 THE COURT: You indicated you may have a hardship
7 because of work and study. Tell us about that.

8 THE PROSPECTIVE JUROR: So I'm a graduate student at
9 St. George University and I'm also a tax accountant. So it
10 would be a busy tax season. It would be challenging to be
11 here for the full trial.

12 THE COURT: Are you taking classes during the day or
13 in the evening?

14 THE PROSPECTIVE JUROR: In the evening.

15 THE COURT: So is it the kind of situation where
16 maybe you can't work if you are on jury duty but you could
17 still take classes?

18 THE PROSPECTIVE JUROR: Well, I would have to be on
19 campus in Patchogue, Long Island, so I wouldn't be able to
20 make it back on time.

21 THE COURT: I see. So the classes are in person?

22 THE PROSPECTIVE JUROR: Yeah.

23 THE COURT: Is it every night?

24 THE PROSPECTIVE JUROR: No, it's Wednesday nights.

25 THE COURT: Wednesday nights. What time do though

Prospective Juror No. 76

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1 classes start?

2 THE PROSPECTIVE JUROR: 6:15. It's either 6:00 or
3 6:15, I forget which.

4 THE COURT: And it takes you how long to get from
5 here to there?

6 THE PROSPECTIVE JUROR: I don't know. Probably just
7 under two hours based on the subway and the trains.

8 MR. DE CASTRO: No objection, Judge.

9 MS. KOMATIREDDY: No objection, Your Honor.

10 THE COURT: So you're excused.

11 THE PROSPECTIVE JUROR: Thank you.

12 THE COURT: Thank you for your service. You can go
13 to the second floor.

14 THE PROSPECTIVE JUROR: Thank you.

15 (Prospective juror No. 75 excused.)

16 THE COURT: Juror No. 76.

17 MR. DE CASTRO: We have 47, 52, 55, 56 and 69.

18 THE COURT: Okay. Anything else from the
19 Government?

20 MS. KOMATIREDDY: I think that covers us as well.

21 THE COURT: Okay. Juror No. 76.

22 (Prospective Juror No. 76 enters.)

23 THE COURT: Hi. Juror No. 76, how are you doing?

24 THE PROSPECTIVE JUROR: Very good. Thank you.

25 THE COURT: Good. So you indicated on your

Prospective Juror No. 76

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1 questionnaire that you may have a hardship sitting on this
2 jury, can you tell us about that?

3 THE PROSPECTIVE JUROR: Several things. First thing
4 I listed is my mom is in late-stage lung cancer.

5 THE COURT: I'm sorry.

6 THE PROSPECTIVE JUROR: She is leaving China. I've
7 been on short notice to make a trip. So that's number one.

8 Number two is I have a 7-year-old and I'm currently
9 working from home and my wife working in hospital, so she has
10 to go to hospital on a daily basis.

11 I'm basically taking like morning bus stop, school
12 bus drop off, and in the evening I have to pick her up.

13 So the third thing is, I think I listed is, I
14 actually have a business trip just coming up in early
15 February. So that's the hardship.

16 THE COURT: Okay.

17 MR. DE CASTRO: We have no objection.

18 MS. KOMATIREDDY: No, Your Honor.

19 THE COURT: Thank you for letting us know. You are
20 excused.

21 THE PROSPECTIVE JUROR: Thank you.

22 THE COURT: You can go back to the second floor.

23 (Prospective juror 76 exits.)

24 THE COURT: So Juror No. 77 doesn't have anything,
25 but I got a note that over lunch, prior to arriving, well, the

Prospective Juror No. 77

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1 juror went to lunch prior to arriving and the news was on
2 reporting about this case. He told Judge Cogan's deputy that
3 he heard information about the case before he could remove
4 himself. So I will ask this juror about what he may have
5 heard. But others from the questionnaire I didn't see
6 anything else to question him about.

7 Anything from either party?

8 MR. DE CASTRO: One second, Your Honor. I'm frozen
9 here.

10 I lists a martial arts hardship. I suppose you have
11 to follow up on it.

12 THE COURT: I may have completely missed it.
13 Martial arts class. You're right.

14 MS. KOMATIREDDY: You might want I might ask about
15 29 just to --

16 THE COURT: I'm sorry?

17 MS. KOMATIREDDY: 29.

18 THE COURT: 29, okay.

19 I'm not understanding the 29 because it is listed as
20 news sources not applicable.

21 MS. KOMATIREDDY: Yes. I'm just wondering if you
22 would elaborate. Does he really never watch the news or
23 what's going on there?

24 THE COURT: Okay. Juror No. 77.

25 (Prospective Juror No. 77 enters.)

Prospective Juror No. 77

278

1 THE COURT: Hi. Step up to this podium, please.
2 How are you doing?

3 THE PROSPECTIVE JUROR: Good.

4 THE COURT: Good. If you want to leave your things
5 on that chair, that's fine. You can leave your mask on or you
6 can take it off, whatever is more comfortable for you.

7 We had a couple of follow-up questions for you, but
8 we also got a note over lunch you may have heard some news
9 about this case. I just wanted to ask you about that.

10 THE PROSPECTIVE JUROR: Okay.

11 THE COURT: So what did you hear about this case?

12 THE PROSPECTIVE JUROR: I didn't hear nothing.

13 THE COURT: No?

14 THE PROSPECTIVE JUROR: Nothing.

15 THE COURT: Okay, I just got a note from the
16 courtroom deputy that you spoke to him and said that you may
17 have heard reporting about the case before you could avoid it.
18 Do you remember what you heard?

19 THE PROSPECTIVE JUROR: I didn't hear anything about
20 the case.

21 THE COURT: You didn't hear anything?

22 THE PROSPECTIVE JUROR: Nah.

23 THE COURT: Did you report to staff that you did
24 hear something or did I get the jurors mixed up?

25 THE PROSPECTIVE JUROR: I don't know.

Prospective Juror No. 77

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1 THE COURT: You don't know. That's fine.

2 So let me ask you when you were asked about the
3 hardship about sitting on the jury, you said martial arts.

4 THE PROSPECTIVE JUROR: Yes.

5 THE COURT: Classes, are those in the evening or
6 during the day?

7 THE PROSPECTIVE JUROR: Those are afternoon.

8 THE COURT: Do you teach or are you attending?

9 THE PROSPECTIVE JUROR: Attend. I'm a student.

10 THE COURT: And is this something you do
11 professionally or is this a hobby?

12 THE PROSPECTIVE JUROR: Well, likely just learn how
13 to defend myself.

14 THE COURT: Okay.

15 THE PROSPECTIVE JUROR: Yeah.

16 THE COURT: And is it something that you've been
17 taking a long time or is it just like a few months of session?

18 THE PROSPECTIVE JUROR: I'm taking this from 2019.

19 THE COURT: So if you missed a couple of weeks of
20 class --

21 THE PROSPECTIVE JUROR: I could make it up.

22 THE COURT: You could make it up?

23 THE PROSPECTIVE JUROR: Yeah.

24 THE COURT: So if you were picked to sit on the
25 jury, you could make up these classes and that wouldn't be a

Prospective Juror No. 77

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1 problem; is that right?

2 THE PROSPECTIVE JUROR: Uh-hum.

3 THE COURT: Yes.

4 THE PROSPECTIVE JUROR: Yes.

5 THE COURT: Great. We have a transcript, so when
6 you nod, it doesn't show up. You need to say yes or no.

7 And then, I noticed that for one of the questions it
8 asks how you get your news and you said it wasn't applicable.
9 So do you get news at all or you just don't have any news at
10 all?

11 THE PROSPECTIVE JUROR: Not at all.

12 THE COURT: No? Even on your phone.

13 THE PROSPECTIVE JUROR: Not at all.

14 THE COURT: News notification?

15 THE PROSPECTIVE JUROR: No news notifications. I
16 don't read them.

17 THE COURT: You don't see things like on your social
18 media page or anything like that?

19 THE PROSPECTIVE JUROR: Nah.

20 THE COURT: No? Okay. Is there any reason that you
21 could not be fair and impartial if you were picked as a juror?

22 THE PROSPECTIVE JUROR: I don't --

23 THE COURT: Do you think you could be fair to both
24 the Government and the defendant in this case?

25 THE PROSPECTIVE JUROR: Repeat the question again.

Prospective Juror No. 77

281

1 THE COURT: Do you think you could be fair to both
2 the Government that's prosecuting this case and the defendant
3 who has been accused of committing crimes? Can you be fair to
4 both sides if you were picked as a juror?

5 THE PROSPECTIVE JUROR: Yes.

6 THE COURT: Could you listen to the evidence and
7 follow the law as Judge Cogan instructs you?

8 THE PROSPECTIVE JUROR: Yes.

9 THE COURT: And is there anything else you think the
10 Court should know about your ability to serve as a juror in
11 this case?

12 THE PROSPECTIVE JUROR: Repeat.

13 THE COURT: Is there anything you think the Court
14 should know? Maybe we didn't ask the right question. Is
15 there anything you think we should know in making your
16 assessment about whether you would be a fair and impartial
17 juror?

18 THE PROSPECTIVE JUROR: No.

19 THE COURT: Okay. Any follow-up question?

20 MR. DE CASTRO: None, Judge.

21 MS. KOMATIREDDY: No, Judge.

22 THE COURT: Thank you very much. You can go back
23 across the hall.

24 THE PROSPECTIVE JUROR: I do need to come back?

25 THE COURT: Yes. We will let you know. Just go

Jury Selection

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1 across the hall and we will let you know what you need to do.

2 (Prospective juror 77 exits.)

3 THE COURT: Can you give me a moment?

4 MR. DE CASTRO: We need a moment too, Judge.

5 (Pause.)

6 THE COURT: So --

7 MS. KOMATIREDDY: Your Honor, the parties both agree
8 that the juror should be removed for cause.

9 MR. DE CASTRO: We agree, Judge.

10 THE COURT: I just got confirmation that he spoke to
11 my intern and gave that information. So it is a little bit
12 strange that he doesn't even know what we are talking about,
13 so we can excuse him. You can bring him back and I will
14 excuse him.

15 Let's bring in the next juror if Juror No. 78 is
16 available.

17 (Continued on next page.)

18

19

20

21

22

23

24

25

Prospective Juror No. 78

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1 (Prospective Juror No. 78 enters.)

2 THE COURT: You can come up here to the podium, sir.

3 You can put your coat on the chair if that's more
4 comfortable for you.

5 We just have a few followup questions.

6 THE PROSPECTIVE JUROR: Sure.

7 THE COURT: So you indicated on the questionnaire
8 that you have some family members who are law enforcement.

9 Can you tell me how close you are to those family
10 members?

11 THE PROSPECTIVE JUROR: Um, one is an -- they're
12 both through marriage.

13 On my wife's side, her uncle is NYPD.

14 And I have an uncle on -- cousins on my mom's side,
15 Suffolk County PD.

16 THE COURT: And does the fact that you have these
17 family connections in law enforcement, do you think that will
18 affect your ability to be fair in a case that involves
19 potentially law enforcement on one side and others?

20 THE PROSPECTIVE JUROR: No, I don't see it being a
21 problem at all.

22 THE COURT: Would you be able to assess the
23 credibility of a law enforcement witness just like any other
24 person, any other witness?

25 THE PROSPECTIVE JUROR: Yes, Your Honor.

Prospective Juror No. 78

284

1 THE COURT: Okay. And you sat on a civil trial.

2 In a civil case, the burden of proof is
3 preponderance of the evidence. In a criminal case, it's
4 beyond a reasonable doubt, it's a higher standard.

5 Do you think you can apply that higher standard?

6 THE PROSPECTIVE JUROR: Yes.

7 THE COURT: Okay. And you talked about having had a
8 traffic stop with police officers.

9 Does that affect your ability to be fair?

10 THE PROSPECTIVE JUROR: Not at all.

11 THE COURT: Okay. And then you also talked about
12 some family members have used drugs.

13 Would that affect your ability to be fair in a case
14 that involves allegations of drug trafficking?

15 THE PROSPECTIVE JUROR: No.

16 THE COURT: Is there any reason that you could not
17 be a fair and impartial juror?

18 THE PROSPECTIVE JUROR: I don't see why I -- not
19 that I know of.

20 THE COURT: Okay. Wonderful. That's perfectly
21 great.

22 So you could go back across the hall. Thank you.

23 THE PROSPECTIVE JUROR: Okay. Thank you.

24 (Prospective Juror No. 78 exits.)

25 MR. DE CASTRO: Before you bring in the next person.

Jury Selection

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1 MS. KOMATIREDDY: There's no one else.

2 Sorry, Judge. There's no one else, right, for
3 today?

4 THE COURT: Oh, yes. We've got 80, 81, 83, 84 and
5 85.

6 MR. DE CASTRO: Judge, what I was going to say was,
7 when you address the law enforcement question, could you also
8 mention that Mr. Garcia Luna was law enforcement as well?

9 THE COURT: Yes. I don't know how to ask the
10 question the way I normally ask it, which is really about
11 fairness. And so I guess I would just say law enforcement
12 like anyone else, instead of saying one side and the other.

13 MR. DE CASTRO: Right. Exactly.

14 Or you can even just say Mr. Garcia Luna was law
15 enforcement, too. Would you have any feelings about that?

16 THE COURT: Okay. I worry a little bit about saying
17 too much.

18 MR. DE CASTRO: Sure.

19 THE COURT: Is that something the government thinks
20 would be okay to say? I was just going to say a little bit
21 less rather than a little bit more.

22 MR. DE CASTRO: My only concern is that when you say
23 that sort of general, their thought is going to be with the
24 government, naturally, and have no idea that it also could
25 affect us, so.

Prospective Juror No. 77

286

1 Let me confer with the government.

2 THE COURT: Okay.

3 (Pause in proceedings.)

4 MS. KOMATIREDDY: I think it's fine, Your Honor. I
5 understand the concern.

6 We just ask that it be a reference to foreign law
7 enforcement so that there's not an assumption he was U.S. law
8 enforcement.

9 THE COURT: I see. Okay.

10 Was, right?

11 MR. DE CASTRO: Correct.

12 THE COURT: Okay. Let's have 77 in and I can just
13 excuse him.

14 (Prospective Juror No. 77 enters.)

15 THE COURT: Juror 77, you're excused. So you can go
16 back to the second floor. Thank you.

17 (Prospective Juror No. 77 exits.)

18 THE COURT: So Juror No. 80, can you tell me what
19 questions you would like me to focus on?

20 MR. DE CASTRO: That's a very good question for this
21 one. I don't think we -- we didn't really have any followups.
22 And the hardship answer is: I have no hardships.

23 THE COURT: Yes.

24 MS. KOMATIREDDY: We didn't have any followups
25 either, Your Honor.

Prospective Juror No. 80

287

1 THE COURT: Okay. I'll do a quick is there any
2 reason you can't be fair.

3 MS. KOMATIREDDY: Yes.

4 MR. DE CASTRO: Yes.

5 THE COURT: Juror No. 80.

6 And have 81 ready as well.

7 And make sure 81 is ready as well. Okay?

8 Juror No. 80, you can come up to the podium.

9 (Prospective Juror No. 80 enters.)

10 THE COURT: How are you doing?

11 THE PROSPECTIVE JUROR: Good.

12 THE COURT: Great.

13 If you want to put your bag down on the chair,
14 that's fine, but just step to the podium because there's a
15 microphone there.

16 And if you want to keep your mask on, that's great.
17 Or you can take it off if you're more comfortable.

18 So I wanted to know whether you have -- if there's
19 any reason that you could not be fair and impartial if you
20 were picked as a juror in this case.

21 THE PROSPECTIVE JUROR: Oh, no.

22 THE COURT: All right. And when we asked if you had
23 any hardship with the timing, you said you don't have any
24 problem with the timing; is that right?

25 THE PROSPECTIVE JUROR: Yes.

Prospective Juror No. 80

288

1 THE COURT: Okay. Great. So I think those are all
2 our questions.

3 THE PROSPECTIVE JUROR: Oh, thank you.

4 THE COURT: Thank you very much.

5 Why don't you go back across the hall and we'll let
6 you know what happens next.

7 MS. KOMATIREDDY: Sorry, Your Honor. Can we -- I
8 just wanted to make sure I didn't miss anything, Your Honor.

9 THE COURT: Hold on a moment.

10 MS. KOMATIREDDY: We're all set.

11 THE COURT: No problem. Thank you.

12 (Prospective Juror No. 80 exits.)

13 THE COURT: Juror No. 81.

14 MR. DE CASTRO: Judge, I mean we saw this as a clear
15 hardship. Works nights, takes care of his parents during the
16 date and works night. I don't know how he or she would do it.

17 THE COURT: Any issue on the hardship?

18 MS. KOMATIREDDY: If you give me a minute,
19 Your Honor?

20 THE COURT: Please.

21 MS. KOMATIREDDY: Your Honor, that's fine.

22 THE COURT: Okay. So have Juror No. 81 come in and
23 I will excuse him.

24 (Prospective Juror No. 81 enters.)

25 THE COURT: You're juror No. 81?

Prospective Juror No. 81

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1 THE PROSPECTIVE JUROR: Yes.

2 THE COURT: Okay. I want to let you know that
3 you're excused.

4 THE PROSPECTIVE JUROR: Oh, thank you.

5 THE COURT: So you can go down to the second floor
6 and let them know that you've been excused.

7 THE PROSPECTIVE JUROR: Thank you, Your Honor.

8 THE COURT: All right. Thank you.

9 (Prospective Juror No. 81 exits.)

10 THE COURT: Juror No. 83, I have that she is
11 currently applying for jobs.

12 MR. DE CASTRO: And has a hearing, but doesn't tell
13 us the date.

14 THE COURT: Right.

15 Any other questions?

16 MR. DE CASTRO: I have 47 and 52 as well.

17 THE COURT: Also, half-brother was mugged when he
18 was a teen. That's 40.

19 Anything else?

20 MS. KOMATIREDDY: And 69, Your Honor.

21 THE COURT: Yes.

22 MS. KOMATIREDDY: The reference to a pending
23 hearing.

24 THE COURT: Yes. Okay.

25 (Prospective Juror No. 83 enters.)

Prospective Juror No. 83

290

1 THE COURT: Juror No. 83, come on up to the podium.
2 How are you doing?

3 THE PROSPECTIVE JUROR: I'm good.

4 THE COURT: Good. If you want to put your bag down,
5 feel free. If you want to leave your mask off, take it off,
6 whatever you feel comfortable with.

7 I understand you're currently applying for jobs; is
8 that right?

9 THE PROSPECTIVE JUROR: Mm-hm.

10 THE COURT: Do you have any prospects?

11 THE PROSPECTIVE JUROR: I have an invitation to
12 schedule an interview, but I haven't confirmed the day yet
13 because I had to come here, so I didn't want to select a date
14 and then had to come here.

15 THE COURT: If you were picked as a juror, the Court
16 doesn't sit on Fridays, so you could schedule anything you
17 want on a Friday.

18 THE PROSPECTIVE JUROR: Okay.

19 THE COURT: So is that going to work for you, you
20 think?

21 THE PROSPECTIVE JUROR: Yeah.

22 THE COURT: You also said there's a hearing with the
23 Department of Labor. Do you know when that is?

24 THE PROSPECTIVE JUROR: I think that's been
25 canceled. That's been dealt with.

Prospective Juror No. 83

291

1 THE COURT: That's canceled. Okay, great.

2 So then you also said that your brother was mugged
3 when he was a teenager.

4 THE PROSPECTIVE JUROR: Mm-hm.

5 THE COURT: Would that affect your ability to be
6 fair in a criminal case?

7 THE PROSPECTIVE JUROR: No. That happened like
8 20 years ago.

9 THE COURT: Oh, okay. And then you also said that
10 your sister-in-law is an employment lawyer.

11 Do you talk about legal issues?

12 THE PROSPECTIVE JUROR: No.

13 THE COURT: Okay. The important thing there is that
14 when Judge Cogan instructs you on what the law is, you would
15 follow his instruction rather than anything anyone else may
16 have told you.

17 Can you do that?

18 THE PROSPECTIVE JUROR: Mm-hm.

19 THE COURT: Okay. And then you said you knew or you
20 heard something about El Chapo?

21 THE PROSPECTIVE JUROR: Yeah. I listen to the news
22 like every day, like for a while.

23 THE COURT: And do you think that you could be fair
24 in a case in which his activities might be mentioned?

25 THE PROSPECTIVE JUROR: Mm-hm.

Prospective Juror No. 83

292

1 THE COURT: Have you made up your mind yet about who
2 is guilty and who is not guilty in this case?

3 THE PROSPECTIVE JUROR: I don't know anything about
4 the case.

5 THE COURT: Will you keep an open mind?

6 THE PROSPECTIVE JUROR: Mm-hm.

7 THE COURT: Is there any reason you could not be
8 fair and impartial?

9 THE PROSPECTIVE JUROR: No.

10 THE COURT: Any followup questions?

11 MR. DE CASTRO: No, Your Honor.

12 MS. KOMATIREDDY: No, Your Honor. Thank you.

13 THE COURT: Thanks very much. You can go back
14 across the hall.

15 THE PROSPECTIVE JUROR: Thank you.

16 (Prospective juror exits No. 83 exits.)

17 THE COURT: Juror No. 84 has a lot of answers.

18 MR. DE CASTRO: Just, I think in at least two places
19 if there is a trial, that probably means there's enough for a
20 conviction. We think this is a clear cause. I think that's
21 twice on this questionnaire.

22 MS. KOMATIREDDY: Your Honor, we didn't see it as a
23 bar because it's an accurate statement of the law. The grand
24 jury returns an indictment, means there's probable cause.

25 THE COURT: And how about the traveling by Uber

Prospective Juror No. 83

293

1 every day issue?

2 MS. KOMATIREDDY: We just thought it merited further
3 inquiry.

4 THE COURT: Okay.

5 MS. KOMATIREDDY: Also, Your Honor, I would just
6 note, this is going to be a partial sequestered jury, so the
7 marshals will be doing --

8 THE COURT: Really?

9 MS. KOMATIREDDY: -- anonymous and partial
10 sequestered jury.

11 Yes, Your Honor.

12 THE COURT: All right. So maybe that's not going to
13 be an issue.

14 Should I tell him that from a transportation
15 perspective not to worry?

16 Oh, okay. Got it. Okay.

17 All right. So I understand that they don't know
18 that and that I shouldn't really discuss it at this point.

19 So I will ask about 49, which is if there's
20 evidence, there's probability guilty.

21 And then there's also Number 60, if the person is
22 innocent why not tell their side of the story.

23 So I'll focus on those and I'll see what else comes
24 up.

25 So, 84.

Prospective Juror No. 84

294

1 (Prospective Juror No. 84 enters.)

2 THE COURT: Hi, Juror No. 84.

3 THE PROSPECTIVE JUROR: Hi.

4 THE COURT: You can pull up to this podium.

5 MR. DE CASTRO: Judge, and Number 4, too, I would
6 think to focus on.

7 THE COURT: Yes.

8 You can leave your mask on if you're more
9 comfortable.

10 THE PROSPECTIVE JUROR: I am.

11 THE COURT: So you mentioned in the questionnaire
12 that you have a medical issue? Coronary artery --

13 THE PROSPECTIVE JUROR: Yeah, a couple of medical
14 issues.

15 THE COURT: Tell us.

16 THE PROSPECTIVE JUROR: Recently I was diagnosed
17 with esophagitis, which is inflammation of the esophagus, and
18 I have coronary artery disease. And I'm a cancer survivor, a
19 breast cancer survivor.

20 THE COURT: Right. Okay.

21 And are these chronic conditions or are they things
22 that --

23 THE PROSPECTIVE JUROR: Chronic.

24 THE COURT: They're chronic. So you've been
25 managing it for some time?

Prospective Juror No. 84

295

1 THE PROSPECTIVE JUROR: Long time, yeah.

2 THE COURT: And so what is your concern in terms of
3 sitting as a juror?

4 THE PROSPECTIVE JUROR: Um, like today was such a
5 long day and I'm not used to being up this late. I usually
6 take a nap in the afternoon and usually I wake up, like,
7 around 8 or 9. And, you know, I'm retired, so I -- you know,
8 this is like my time for me trying to get myself better,
9 healthier.

10 THE COURT: Right. Right, okay. I appreciate your
11 letting us know that.

12 MR. DE CASTRO: We have no objection.

13 MS. KOMATIREDDY: We have no objection.

14 THE COURT: Okay. So you're excused.

15 THE PROSPECTIVE JUROR: Thank you.

16 THE COURT: Go back to the second floor.

17 THE PROSPECTIVE JUROR: Thank you.

18 (Prospective Juror No. 84 exits.)

19 THE COURT: And last juror, 85.

20 MR. DE CASTRO: From the defense perspective,
21 there's followup on the hardship issue because the business he
22 runs is his own or her own business.

23 34, 49, 50, 56, 58.

24 THE COURT: Okay.

25 How about the government?

Prospective Juror No. 85

296

1 MS. KOMATIREDDY: That covers us as well,
2 Your Honor.

3 THE COURT: Okay. You can bring in the juror.
4 (Prospective Juror No. 85 enters.)

5 THE COURT: Hi, Juror No. 85. Come on up to the
6 podium.

7 How are you doing?

8 THE PROSPECTIVE JUROR: Okay.

9 THE COURT: Thank you for your patience. I know
10 it's been a long day.

11 So we had a couple of followup questions.

12 And I'll start with your answer to the hardship
13 question. You said you run a business and this is going to be
14 a problem to sit on the jury?

15 THE PROSPECTIVE JUROR: That's true, yes.

16 THE COURT: So tell me about the hardship.

17 THE PROSPECTIVE JUROR: I have a security business
18 in Staten Island. And it's just three employees: Myself, my
19 wife, and a trainee. And if I'm not there, there's not going
20 to be anybody to run the business.

21 THE COURT: Do you own the business?

22 THE PROSPECTIVE JUROR: I own the business, yes.

23 THE COURT: And there's nobody else who could do it?
24 Your wife and the trainee alone could not handle it?

25 THE PROSPECTIVE JUROR: She's not licensed.

Prospective Juror No. 85

297

1 THE COURT: They're not licensed?

2 THE PROSPECTIVE JUROR: She's a bookkeeper.

3 THE COURT: So you're a licensed locksmith?

4 THE PROSPECTIVE JUROR: Yeah. New York and
5 New Jersey, yes.

6 THE COURT: I see.

7 MR. DE CASTRO: We have no objection.

8 MS. KOMATIREDDY: No objection, Your Honor.

9 THE COURT: Okay. You're excused.

10 Thank you very much. You can go down to the second
11 floor.

12 (Prospective Juror No. 85 exits.)

13 THE COURT: We got through all the jurors.

14 Are there any for-cause arguments before we wrap up?

15 MS. KOMATIREDDY: Could we just have a few minutes,
16 Your Honor?

17 THE COURT: Yes.

18 MR. DE CASTRO: Nothing from the defense,
19 Your Honor.

20 THE COURT: Okay.

21 MR. DE CASTRO: If I can comment on the accuracy of
22 the Court. 5:30.

23 Well, I'm sorry, you were off, 5:31.

24 THE COURT: I can only do it when the attorneys are
25 also watching the time.

Jury Selection

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1 We will similarly ask them to come back on Thursday
2 morning.

3 MS. KOMATIREDDY: Thank you for allowing us to check
4 our notes, Your Honor. We don't have anything further.

5 THE COURT: Okay, great.

6 So bring all the jurors. I'll let them know that
7 they can skip tomorrow and come back Thursday morning.

8 (Prospective jurors enter.)

9 THE COURT: You can fill in any seat. You can
10 spread out. This is only going to take a minute.

11 That's everyone?

12 Okay. You can sit down.

13 Thank you, everybody, for your patience. I know
14 it's been a long day and thank you for staying later. So
15 we're done for the day and you do not have to come in
16 tomorrow, but I would like you to come in on Thursday morning
17 at 8:30 so that we can continue the jury selection. There
18 will be a different group of jurors coming in tomorrow and
19 we'll ask them questions just like we did with you today and
20 then everybody will meet on Thursday morning so that hopefully
21 at that point we can complete the process. All right? So
22 8:30 on Thursday morning. You don't have to come in tomorrow
23 and you don't have to call in tomorrow. Just know that 8:30
24 on Thursday morning we'll see you and that's all you need to
25 do. All right? Have a good evening and thank you again for

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1 your patience.

2 (Prospective jurors exit.)

3 THE COURT: All right. Thank you, everybody. This
4 has been a long day, but productive. We got through all the
5 jurors. I'm very proud of all of you.

6 We had one juror who did not show up, Number 12.
7 And 46, sorry. So those people will be summonsed to come in
8 tomorrow.

9 We've also asked the next 60 to come in, 30 in the
10 morning, 30 in the afternoon. Hopefully they'll all be here.

11 Please take a look at the numbers. I didn't keep
12 track of how many qualified jurors we have at the moment. But
13 remember, the magic number is 40. So if we get to 40 before
14 lunch, then we can end early because the whole batch isn't
15 coming back until Thursday. So we won't be able -- we have
16 26. So we have 26 qualified jurors.

17 MR. DE CASTRO: We have 26.

18 And then there's like five that we needed to find
19 out if they're getting paid.

20 THE COURT: Yes. So we're not there yet. It's
21 possible but probably unlikely that we'll finish in the
22 morning, so most likely we'll need the afternoon. So make
23 sure you reviewed all the questionnaires for the day. And so
24 whatever happens tomorrow, like I said, we'll have to finish
25 Thursday morning.

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1 I am hopeful that Thursday morning we have them come
2 in and we can do the peremptory strikes and then we're done.
3 So that would be nice. We'll be in touch with Judge Cogan's
4 chambers in terms of when he'll pick up, assuming that we're
5 done with the jury selection on Thursday.

6 And I think this is good. All right.

7 Any questions or things you need to say?

8 Yes?

9 MS. KOMATIREDDY: One question, Your Honor.

10 I understand that there are approximately 125 jurors
11 who came in this morning and filled in questionnaires.
12 Your Honor had issued an order asking us to provide a list of
13 those tonight. Is that something you would still like us to
14 do?

15 THE COURT: I don't think that will be necessary.

16 MS. KOMATIREDDY: Okay. And we can do it on Friday
17 if needed.

18 THE COURT: Exactly.

19 So why don't we go through tomorrow and if
20 tomorrow's group of jurors yields such a small number that
21 we're concerned about running out of jurors, then that might
22 be necessary. But we still have the third batch of jurors
23 from last week that we could talk to on Thursday.

24 MS. KOMATIREDDY: Yes, Your Honor.

25 THE COURT: So it's very unlikely that we will need

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1 the jurors from today, but we'll see. You know, fingers
2 crossed it doesn't become a problem, but we should know by the
3 end of the day on Thursday if we have not hit that -- reached
4 40 qualified jurors. Then we might have to look at that.

5 MS. KOMATIREDDY: Thank you, Judge.

6 THE COURT: Anything else?

7 MR. DE CASTRO: Thank you.

8 THE COURT: All right. So 9:00 tomorrow morning.
9 Until then, we are adjourned. Thank you.

10

11 (Matter adjourned to Wednesday, January 18, 2023 at
12 9:00 a.m.)

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